

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10388 of 2022

Alekh Mani Nayak and others ***Petitioners***
Mr. T.K. Mishra, Advocate

-versus-

State of Odisha and another ***Opp. Parties***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.09.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection with T.R. Case No.40 of 2022, arising out of Tikiri P.S. Case No.105 of 2022 pending in the court of learned Additional District and Sessions Judge-cum-P.O. Special Court, POCSO Act, Rayagada for commission of offences punishable under Sections 376(2)(n)/376(3)/323/506/307/34, I.P.C. read with Sections 4 and 6 of the POCSO Act and Section 4 of the D.P. Act.
 5. Learned counsel for the petitioners submits that he does not want press the bail application of the petitioner no.4-Nishikanta Bagh. Accordingly, bail application of the petitioner no.4-Nishikanta Bagh stands dismissed as not pressed.

6. So far as petitioner nos.1, 2 and 3 are concerned. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner nos.1, 2 and 3. However, it is directed that in the event the petitioner nos.1, 2 and 3 surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, petitioner nos.1, 2 and 3 shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that:-

- I. The petitioner nos.1, 2 and 3 shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;

Violation of any of the terms and conditions shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge