

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10611 of 2022

Bichitrananda Biswal and others ***Petitioners***
Mr. R.K. Dash, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.09.2022

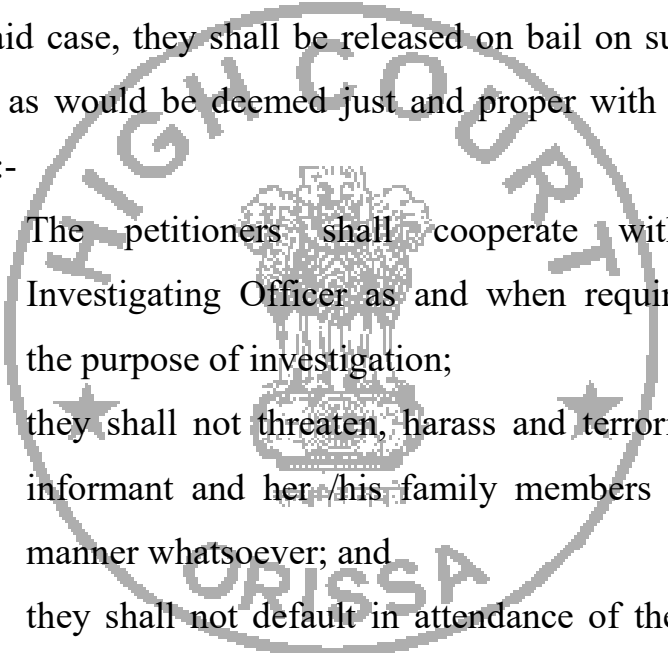
Order No.

- 02.
1. This matter is taken up through Hybrid Arran/gement (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 I.C.C. No.21 of 2021, arising out of G.R. Case No.411 of 2019, pending in the court of learned J.M.F.C., Dhamnagar for commission of offence punishable under Sections 323/294/406/506/498-A/306, I.P.C. read with Section 4 of the D.P. Act.
 5. It is submitted by learned counsel for the petitioners that the FIR registered for the offence punishable under Sections 363/37934, I.P.C. but, in the meantime, the victim has been rescued. So far as the present petitioners are concerned, the petitioners are the relative of the principal accused, namely, Dhanjaya Biswal.
 6. The statement of the victim recorded under Section 164, Cr.P.C., which recorded by the Magistrate it appears that the victim was in love relationship with the Dhanjaya Biswal and out of her

own volition left her parental house and married the principal accused.

7. It is further submitted by learned counsel for the petitioners that the petitioners are relative of the principal accused and they have been falsely implicated in the present case.

8. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners 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, they shall be released on bail on such terms and conditions as would be deemed just and proper with the following conditions:-

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- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
 - II. they shall not threaten, harass and terrorize the informant and her/his family members in any manner whatsoever; and
 - III. they shall not default in attendance of the court during trial on each date of posting; and

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge