

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10640 of 2022

Rakesh Pramanik and others

Petitioners
Mr. J. Kamila, Advocate

-versus-

State of Odisha

Opp. Party
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.09.2022

Order No.

01. 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 C.T. Case No.366 of 2020, arising out of Balasore Sadar P.S. Case No.121 of 2020 pending in the court of learned J.M.F.C.(R), Balasore for commission of offence punishable under Sections 363/366/294/506/34, I.P.C. read with Sections 4 and 5 of the Child Marriage Restraint Act, 1929.
5. Considering the nature of allegation, gravity of offence and the facts of the case, I am not inclined to grant anticipatory bail to the petitioner no.4-Kadumani Barik. However, it is directed that in the event the petitioner no.4-Kadumani Barik surrenders before the learned court in seisin over the matter within a period of three weeks from today, he shall be released on bail on such terms and conditions as

would be deemed just and proper.

6. So far as petitioner nos.1 to 3 and petitioner nos.5 to 8 are concerned. However, on the submission of the learned counsel, the petitioner nos.1 to 3 and petitioner nos.5 to 8 are given liberty to surrender before the learned J.M.F.C.(R), Balasore in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioners on the same day strictly on the basis of the materials on record.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioners, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge