

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11086 of 2022

Kabula @ Santanu Kumar Das

Petitioner

....
Mr.R.N.Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
10.10.2022**

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 366, 376(D), 506 of the of the Indian Penal Code.

4. It is submitted by the learned counsel for the Petitioner that the victim has been examined in connection with the present case. However, she has not supported the prosecution case. It is further contended by the learned counsel for the Petitioner that on the basis of the deposition of the victim, co accused Subash Behera, Ratnakar Sahu and Suresh Rana have been acquitted by the 1st Additional Sessions Judge, Cuttack in Sessions Trial Case No.241 of 2016 vide judgment dated 05.08.2017. So far as the present Petitioner is concerned, he has been implicated in the case on the basis of the statement of the co-accused.

5. Considering the seriousness of the allegation, gravity of the offence and the deposition of the victim, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Banki in G.R.Case No.469 of 2015 arising out of Banki P.S.Case No.370 of 2015 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall appear before the trial court on each and every date fixed till conclusion of trial.
- (ii) He shall not threaten, influence, terrorise or harass the informant and other prosecution witnesses in any manner whatsoever.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

5. The ABLAPL is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS

