

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11127 of 2022

Satyabrata Barik

....

Petitioner

Mr. Suresh Kumar Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
19.10.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Section 363, I.P.C.
4. It is submitted by learned counsel for the Petitioner that the victim girl has been rescued in the meantime. He further submits that the present Petitioner is a good friend of the victim girl and therefore the victim girl fled away with the present petitioner and stayed at the residence of the Petitioner on her own volition and without any pressure or compulsion. He further submits that the aforesaid facts are corroborated by the statement of the victim recorded under Section 164, Cr.P.C.

5. Learned counsel for the State, by referring the 164, Cr.P.C. statement of the victim, also confirms that the victim girl has not alleged any commission of sexual assault /or attempt by the Petitioner and further she has not stated anything about her kidnapping by the Petitioner.

6. Considering such submission and the facts and circumstances of the case, although this Court is 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 J.M.F.C., Banarpal in G.R. Case No.789 of 2022 corresponding to Angul P.S. Case No.429 of 2022 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 I.O. and shall cooperate with the investigation as and when required;
- (ii) He shall not threaten, terrorise, ill-treat or harass the Informant and her family members as well as the prosecution witnesses in any manner whatsoever, while on bail by virtue of this order;
- (iii) He shall appear before the trial court on each date of the trial, without fail.

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

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

(A.K. Mohapatra)
Judge

S.K.Parida

