

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11289 of 2022

***Somanath Sarkar Bhuyan and
others***

....

Petitioners

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

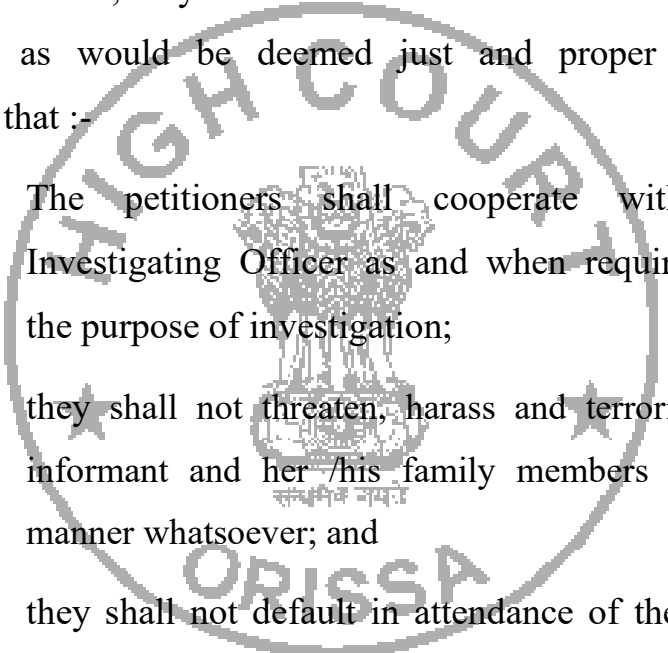
11.10.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.426 of 2022 arising out of Rayagada P.S. Case No.74 of 2022 pending in the Court of learned S.D.J.M., Paralakhemundi for alleged commission of offences under Sections 376/341/323/294/506/34, I.P.C.
 4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. He further submits that due to previous dispute, the informant foisted a false case against the present petitioners. It is also submitted by learned counsel for the petitioners that the matter has been amicably settled between the parties outside the court.
 5. As per statement of the victim recorded under Section 164,

Cr.P.C., learned counsel for the State submits that the victim has categorically stated in her statement that she does not want to proceed any further in the criminal case as the matter has been amicably settled between the parties.

6. 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 further conditions that :-

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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.

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.

