

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11396 of 2022

Judhistira Bag

.... ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

14.10.2022

Order No.

- 02.
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. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with T.R. Case No.40 of 2022, arising out of Tikiri P.S. Case No.105 of 2022 pending in the court of learned Additional Sessions Judge-cum-P.O. Special Judge(POSO), Rayagada for commission of offences punishable under Sections 376(2)(n)376/498-A/323/506/307/34, I.P.C. read with Sections 4 and 6 of the POCSO Act.
 5. It is submitted by learned counsel for the petitioner that the petitioner the father of the informant. Although the case has been registered for commission of offence punishable under Sections 376(2)(n)376/498-A/323/506/307/34, I.P.C. read with Sections 4 and 6 of the POCSO Act, the petitioner is apprehending for arrest in the

present case.

6. It is further submitted by learned counsel for the petitioner that the petitioner is apprehending his arrest in connection with the present case as he had given marriage the informant to the accused. Further, it is stated that at the time of marriage, the informant was minor.

7. Learned counsel for the State, on the other hand, submits that when the informant married to the accused, namely, Ranjit Nayak, the informant was minor. However, after their wedlock, the victim gave birth to a child. Thereafter, the principal accused kept another lady in this residence and the principal accused along with his family members tortured the informant for dowry. It is also submitted by learned counsel for the State that at the moment, the informant is staying with the present petitioner, who is the father.

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 petitioner. However, it is directed that in the event the petitioner surrenders and moves 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, he shall be released on bail on such terms and conditions as would be deemed just and proper.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge