

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11513 of 2022

Kamal Lochan Mohanta

....

Petitioner

Mr. R.K. Satapathy, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

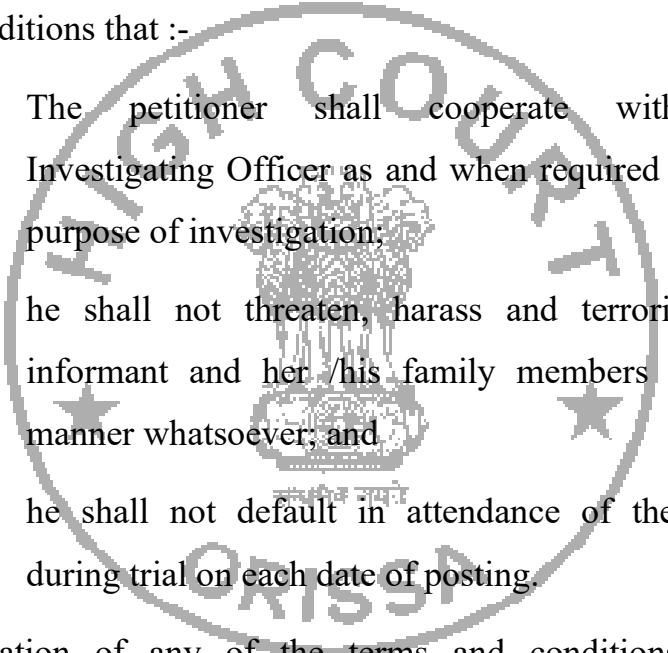
11.10.2022

Order No.

- 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. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.5143 of 2022 arising out of Khandagiri P.S. Case No.438 of 2022 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under Sections 376/294/341/323/ 506/34, I.P.C.
 4. Learned counsel for the petitioner submits that the informant, who happens to be the sister-in-law of the present petitioner, has lodged F.I.R. making false allegation against the petitioner. He further submits that the husband of the informant, who is deceased, is the brother of the present petitioner. It is also submitted by learned counsel for the petitioner that due to family dispute, a false case has been lodged against the petitioner and other family members.
 5. Learned counsel for the State, on the other hand, referring the statement of the informant recorded under Section 164, Cr.P.C. submits

that there is no allegation for commission of offence under Section 376, I.P.C. He further submits that the informant has not been medically examined as she narrated in the F.I.R.

6. Considering the nature of allegation, background of the case, 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 with further conditions that :-

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- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
 - II. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
 - III. he 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.

(A.K. Mohapatra)
Judge