

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11687 of 2022

***Abhiram Jena @ Manoj Kumar
Jena***

.... ***Petitioner***
Ranjita Dhal, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Sitikant Mishra, 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 Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 363/34, I.P.C.
4. It is submitted by learned counsel for the Petitioner that the victim girl has already been rescued in the meantime. He further submits that the present Petitioner had no role in the kidnapping of the victim girl. Learned counsel for the State on the other hand submits that, after the victim was rescued, her statement under Section 164, Cr.P.C. has been recorded, in which the victim has stated that the present Petitioner had not kidnapped her; rather she fled away on her own volition.

5. Considering such submission, seriousness of the allegation, and the facts of the case, 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 J.M.F.C., Soro in C.T. Case No.1036 of 2021 corresponding to Soro P.S. Case No.487 of 2021 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.

However, 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 by the I.O.;
- (ii) He shall not threaten, terrorise, ill-treat or harass the Informant and her family members including the prosecution witnesses in any manner whatsoever.
- (iii) He shall appear before the trial court on each and every date fixed for trial, without fail.

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

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge