

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11824 of 2022

Alok Behera

Petitioner

....

Mr.J.K..Majhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

13.10.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341, 294, 323, 392, 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the principal accused in this case is Harihar Patra, who had fled away along with the victim with her consent. It is further submitted by the learned counsel for the Petitioner that they were in love relationship. Further, it is submitted that the victim girl has been rescued in the meantime. She has stated that they have no physical relationship while they fled away. So far as the present Petitioner is concerned the only allegation against the Petitioner is that the Petitioner might

have played a role in the alleged occurrence. Further, it is submitted that there is no direct materials implicating the present Petitioner.

5. Considering the seriousness of the allegation, gravity of the offence 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., Basta in C.T.Case No.386 of 2022 arising out of Baliapal P.S.Case No.133 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 cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall appear before the trial court on each and every date fixed.

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