

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12057 of 2022

Jalandhar Karan & Others

....

Petitioners

Mr. Bijayananda Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.10.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offences punishable under Sections 363/366/376(2)(n), I.P.C. and Section 6 of the POCSO Act.
4. It is submitted by learned counsel for the Petitioner that the victim girl and one Ramakant Karan were in love relationship. Therefore, the victim girl fled away with said Ramakant Karan and she stayed in the house of Ramakant Karan. However, subsequently the girl was rescued and the present F.I.R. has been lodged making allegation of kidnapping as well as rape. Learned counsel for the Petitioners submits that, so far as the present Petitioners are concerned, it is stated that they are the family members of said

principal accused Ramakant Karan. It is the further allegation that the present petitioners accepted the victim girl as their daughter-in-law for about two months, but thereafter they demanded huge dowry from the victim girl.

5. Considering such submission and the facts and circumstances of the case, although this Court is not inclined to grant anticipatory bail to the Petitioner, however it is observed that in the event the petitioners surrender and move for bail before the learned Addl. Sessions Judge-cum-Special Judge, under POCSO Act, Puri in Special G.R. Case No.82 of 2018 corresponding to Krushna Prasad P.S. Case No.57 of 2018, within a period of three weeks from today, they 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 Special Judge shall also impose the following additional conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) They shall not threaten, terrorise, ill-treat or harass the Informant and her family members as well as the prosecution witnesses in any manner whatsoever, while on bail by virtue of this order;
- (iii) They shall appear before the trial court on each date of trial, without fail.

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

6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

S.K.Parida

