

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12142 of 2022

Pradeep Kumar Nayak

....

Petitioner

Mr. Jayanta Kumar Majhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

24.09.2022

Order No.

01. 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. Perused the case record.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 448/493/417/294/120-B/109/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioner that the Petitioner and the Informant were having sexual relationship. When the matter was detected by the husband of the Informant, the present F.I.R. has been lodged implicating the present Petitioner. He further submits that the Petitioner and the Informant are major. He also submits that in the F.I.R. there is no allegation of forcible sexual act with the Informant.
5. Considering the aforesaid submission, 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.410 of 2022 corresponding to Basta P.S. Case No.154 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.

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, harass or defame the Informant & her family members including the prosecution witnesses in any manner whatsoever.
- (iii) He shall appear before the trial court on each date of trial, without fail;
- (iv) He shall not keep any contact with the Informant in any manner whatsoever, while on bail.

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