

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12143 of 2022

***Madan Patra @ Bhakta Ranjan
Patra & another***

.... ***Petitioners***

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 Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341/354-A/379/294/506/34, I.P.C. read with Section 12 of the POCSO Act.
4. 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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned Special Judge (POCSO), Balasore in Spl. Case No.217 of 2022 corresponding to Baliapal P.S. Case No.175 of 2022 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, but subject to verification of the Criminal Antecedents of the Petitioners. If it is found that there is more than one criminal antecedent of similar nature against the Petitioners, then this bail order shall stand automatically revoked.

However, while imposing conditions for bail, learned Magistrate 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 by the I.O.;
- (ii) They shall not threaten, terrorise, ill-treat or harass the Informant and her family members including the prosecution witnesses in any manner whatsoever, while on bail.
- (iii) They shall not make any attempt to keep contact with the Informant in any manner whatsoever, while on bail.
- (iv) 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.

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

(A.K. Mohapatra)
Judge