

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12207 of 2022

Allauddin Khan and another *Petitioners*
Mr. B. R. Dalai, Advocate

-versus-

State of Odisha *Opp. Party*
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.54 of 2022, arising out of Kendrapara Sadar P.S. Case No.279 of 2022 pending in the court of learned A.D.J.-cum-Special (POSCO), Kendrapara for commission of offences punishable under Section 363, I.P.C. subsequently turned to under Sections 363/366/376(2)(n)/109/34, I.P.C. read with Section 6 of the POCSO Act.
5. It is submitted by learned counsel for the petitioners that the petitioners are the father and mother respectively of the principal accused. Further, it is submitted by learned counsel for the petitioner that the principal has been arrested and released on bail by the

learned court below in the meantime.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the principal accused already been released on bail by the learned court below. In the event it is found that the principal accused has not been released on bail, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge