

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12538 of 2022

Indramani Behera

Petitioner

....
Mr.R.R.Chhotaray, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
29.09.2022

Order No.

01. 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 294, 420,376(2)(n)/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that one Sanjay Behera is the principal accused against whom there is allegation for commission of offence of rape by the informant. So far as the present Petitioner is concerned, it is submitted that the Petitioner is the father of the principal accused. It is also alleged in the F.I.R. that while the victim approached the present Petitioner, the present Petitioner abused her in filthy languages. Apart from the aforesaid allegation there is no other allegation.

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 S.D.J.M., Baramba in G.R.Case No.254 of 2022 arising out of Baramba P.S.Case No.266 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 appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall not threaten, influence, terrorise or harass the informant as well as her family members while on bail.

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

5. The ABLAPL is disposed of accordingly.

6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge