

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12745 of 2022

Nimain Das

Petitioner

....

Sk.Zafarulla, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

18.10.2022

Order No.

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 363, 366-A of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the principal accused Pyarimohan Das has already been released on bail by the Children's Court. It is further submitted by the learned counsel for the Petitioner that the two sisters of the principal accused have already been released on bail by this Court in ABLAPL No.7732 of 2022. It is further submitted by the learned counsel for the Petitioner that the Petitioner has not been named in the F.I.R.
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 Additional Sessions Judge-cum-Special Court under (POCSO) Act, Balasore in Special Case No.215 of 2022 arising out of Basta P.S.Case No.184 of 2021 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.

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

(A.K. Mohapatra)
Judge

RKS

