

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13092 of 2022

Sunita Nayak

....

Petitioner

Mr. Siddharth Prasad Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

13.10.2022

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.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 376(2)(n)/376(3)/506/34, I.P.C. and Sections 6, 5(j)(ii), 5(i) of the POCSO Act.
4. Learned counsel for the Petitioner submits that the present Petitioner is the mother of the principal accused Bunty & Akash Nayak. He further submits that the principal accused has already married to the victim girl – Hira Sahoo in the meantime while he was in custody. In support of his contention, learned counsel for the Petitioner refers to the letter dated 21.09.2022 written by the Superintendent, Special Jail, Bhubaneswar to the Additional Sessions

Judge-cum-Spl. Judge (POCSO), Bhubaneswar, vide Annexure-2 series.

5. Considering the aforesaid submissions, 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 District & Sessions Judge-cum-Special Judge (POCSO), Khurda at Bhubaneswar in T.R. Case No.379 of 2020 corresponding to Jatni P.S. Case No.353 of 2020 within a period of three weeks from today, she shall be released on bail on such terms and conditions as the learned Special Judge 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

S.K.Parida