

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 13168 of 2022

Jali Sahu ***Petitioner***
Mr. Bidkyalok Mohapatra, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, ASC

ABLAPL No. 13148 of 2022

Anil Sahu ***Petitioner***
Mr. Bidkyalok Mohapatra, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, ASC

CORAM:  **JUSTICE CHITTARANJAN DASH**

ORDER
07.12.2022

Order No.

05. 1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s. 438 Cr.P.C. filed by the Petitioners in apprehension of arrest for her alleged involvement in the offences U/s. 120(B), 342, & 354(D) of IPC.
3. Pursuant to the direction issued by this Court vide order dated 21.11.2022, State had arranged a video conference with the victim,

she being apprehensive of threat and coercion from the side of the Petitioners, in case the Petitioners are released on bail.

4. Learned Counsel for the Petitioners submits that the apprehension of the victim-informant is irrelevant for the reason that nothing has been spelt out by her as to if at any point of time after the incident there was any such eventuality confronted by the victim vis-à-vis the Petitioners.

5. On the contrary, Petitioner-Jali Sahu who is too a girl and no manner of allegation in the entire FIR seems to have surfaced either in blackmailing the victim or that she had any nexus in making the videographs viral. It is further submitted by learned Counsel that there is no such material to indict the conduct of Anil and as such both the Petitioners may be considered for pre-arrest bail.

6. Keeping in view the submissions of the parties and on perusal of the FIR, which reveals that a substantial allegation is pointed out against Jiten who is alleged to have called the victim off and on over phone and had also obtained the videographs in mobile, even he had blackmailed the victim to make the video viral. The part of the allegations against Jali and Anil is that they planned to go to Puri and persuaded the victim girl to accompany them and having gone through the nature of allegations as emerged from the materials on record and further the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, however the petitioners are at liberty to surrender before the learned SDJM, Deogarh in Deogarh PS Case No. 755 of 2022 corresponding to CT Case No. 1199 of

2022 within three weeks from today and move for bail, the learned court in seisin over the matter shall consider the bail application of the Petitioners in the first hour of the day itself, strictly on the basis of the materials available on record in its own merit.

7. In case of rejection of the bail application by the learned court, the Petitioners may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day on its own merit.

8. It is made clear that the learned court below shall not be influenced by any of the observations of this court made herein above in any manner. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioners on the same day.

9. It is also made clear that the learned Court below shall verify the criminal antecedent of the Petitioners and in case more than one antecedent of similar nature to the present case is noticed, the order of this Court shall not be given effect to.

10. In case, the learned court below desires to grant bail to the petitioners, then the following conditions shall be imposed :-

- (i) The Petitioners shall not make any endeavour to meet the informant-victim in any manner, who is apprehending danger to her movement, activities and/or liberty;

(ii) They shall not threaten, influence, intimidate, terrorize or submit any act whereby the case initiated at her behest would be in jeopardy.

(iii) Violation of any of the conditions shall entail cancellation of the bail.

11. The ABLAPLs are disposed of.

(Chittaranjan Dash)
Judge

B.K Sahoo/AKPradhan

