

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13854 of 2022

Kausalya Singh

....

Petitioners

Mr. Jagabandhu Sahu, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.S. Patra, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

01.11.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. By means of this application under Section 438 Cr.P.C., the Petitioner seeks anticipatory bail apprehending her arrest on the alleged offence U/s. 294/313/376(2)(n)/506/34. IPC and Section 6 of the POCSO Act, in connection with Sundargarh Sadar P.S case No. 267 of 2022 corresponding to Special G.R Case No. 190 of 2022 pending in the court of learned Additional Sessions Judge-cum-PO(POCSO), Sundargarh.

3. It is submitted by the learned counsel for the Petitioner that Kausalya Singh is the mother of the principal accused and the sole allegation against her is that she turned a hostile attitude in accommodating the victim in her house and stated that she would not hesitate to take her life in case the victim insist to stay in their house. The learned counsel further submitted that the matter has

since been resolved and the son of the petitioner and the victim have already tied up their marriage before the Arya Samaj and have also proposed registry marriage and have made application before the Marriage Officer on 21st October, 2022. According to the learned counsel while this being the possession, the petitioner if would be insisted her bail in regular course, in some eventuality if she would go behind the bar then it would disturb the conjugal atmosphere prevailing in the family. The learned counsel therefore, canvassed for consideration of the anticipatory bail.

4. Learned counsel for the State on the other hand, while not objecting to the step taken by the victim girl and the principal accused as regards the proposed marriage and the application before the Marriage Officer submitted for rejection of the application.

5. Having regard to the submissions of the learned counsels, the allegations in the FIR and the facts and circumstances, seriousness and gravity of the offence appearing in the case record, this Court is not inclined to grant anticipatory bail more particularly the fact that the offences involves POCSO Act. However, if the petitioner so desires and surrenders before the learned court below in seisin over the matter within three weeks hence and moves for bail, the court concerned shall consider the application for bail on its own merit strictly on the basis of the materials available on record keeping in view, of course the subsequent development, the cordiality between the parties and other materials on record and shall dispose of the application for bail on the very same day. It is made clear that while

considering the bail the learned court shall not be influenced by any of the observations of this court.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo

