

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14052 of 2022

Sk. Habibulla

....

Petitioner

Mr. A.N. Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

18.11.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and the State.
2. By means of this application, the Petitioner seeks for bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offences U/s.376(2)(n)/417/120-B/506/34 IPC in connection with Simulia P.S. Case No.242 of 2022 corresponding to C.T. Case No.847 of 2022 pending in the court of learned J.M.F.C., Soro.
3. It is alleged that on 7th September, 2022 one Sekh Naisuddin S/o. Sekh Samir adopted his daughter Karisma Khatun from her uncle's house on 24th June, 2022. It is further alleged that he proceeded to Bhadrak Sarankar Nagar and kept his daughter there and in the same night took his daughter to Balikhandra and kept her in village Sahukharada. The report further reveals that the said Habibulla committed rape with his daughter several times against her wishes giving her false assurance of marriage. On 25th June, 2022 Habibulla took his daughter and left her in the house of his elder daughter at village Ada. On 1st July, 2022 he again took her and proceeded to Hyderabad and detained his daughter in the house of his "Habibulla's brother in law". On getting information the

complainant and other relatives arrived there and brought them to Bari where a meeting was convened. The father and brother in law of Habibulla assured the complainant that the marriage of Habibulla will be solemnized with the victim and in connection with the said matter; the next meeting would be commenced on 20th July, 2022. The decision was taken that the marriage will be solemnized within a month whereas the father of Habibulla and others retracted from their commitment and refused for the marriage under the threat that if the matter is taken to the Police they would do away with the life of the complainant and their family. On the basis of the report, the Police registered the case and took up the investigation. While the matter was under investigation, the Petitioner, i.e., Habibulla who allegedly to be a minor and father of Habibulla, Petitioner No.2, namely, Sk. Sanaulla have moved in the present.

4. Having regard to the nature of allegations, the seriousness and gravity of the offence and the fact that the victim girl has reiterated the allegations in consonance with the FIR in her statement recorded under Section 164 Cr.P.C. as submitted by the learned counsel for the State, this Court is not inclined to grant anticipatory bail in favour of Petitioner No.2.

5. As far as the Petitioner no. 1 this court is not inclined to grant the anticipatory bail, however he being a juvenile it is directed that as soon as he is apprehended by police, he shall be placed under the charge of Special Juvenile police unit or the designated police officer, who shall produce the juvenile before the Board without any loss of time but within a period of twenty four hours of his

apprehension excluding the time necessary for the journey., from the place where the juvenile would be apprehended, to the Board, provided that in case a juvenile in conflict with law shall be placed in a police lockup or lodged in a jail.

6. The ABLAPL is accordingly disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

