

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14070 of 2022

Papu Nath @ Nihar Ranjan Nath ***Petitioner***
Mr. D.K Sahoo, Advocate

-versus-

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

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
22.11.2022**

Order No.

- 02.
1. Heard learned counsel for the Petitioner and learned counsel for the State.
 2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 363/34 of IPC subsequently turns to Section 376(2)(n) of IPC and Section-6 of the POCSO Act. .
 3. Learned counsel for the state also submits that the case diary has been obtained and the statement recorded U/s. 164 Cr.P.C finds place showing the victim to have not completely supported the allegations made in the FIR.
 4. The learned counsel for the Petitioner also submits that in the mean while the Petitioner and the victim have tied the marital knot which may be consider for the bail.

5. Keeping in view the submission of the parties, the nature and allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant the anticipatory bail, it is directed that in the event the Petitioner surrenders and moves for bail in connection with G.R Case No.92 of 2020 arising out of Pattamundai P.S. Case No.448 of 2020 pending in the court of learned Additional Sessions Judge-cum-POSCO Court., Kendrapara within a period of three weeks' from today, his application shall be considered on its own merit taking into account the retraction of the victim from some allegations made in the FIR. In case the court proposes to grant bail shall put conditions that the Petitioner shall appear in person before the learned court below on each date of posting of the case and shall appear before the I.O. / I.I.C. of the concerned P.S. once in a week on such date and time fixed by the I.O. / I.I.C. for a period of six months or till submission of Final Form as the case may be.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo