

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14130 of 2022

Rajendra Mallik

.... ***Petitioner***
Mr. S. Biswal, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. Debasis Biswal, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
04.11.2022**

Order No.

- 01.
1. Heard learned counsel for the Petitioner and the State.
 2. By means of this application under Section 438 Cr.P.C., the Petitioner seeks bail in anticipation of his arrest for alleged involvement in the offence under Sections 363/376 (2)(n) IPC read with Section 6 of the POCSO Act.
 3. On perusal of the F.I.R. as well as the statement of the victim recorded under Section 161 Cr.P.C. it reveals that on the alleged date dated 10th October, 2022 the victim stated to have in love with the Pitabas Malik having come to know about the love affair of the victim and members of the family disagreed her and also scolded her. On 3rd October, 2022 in the evening being enriched she came out of the house and with the help of a mobile from a unknown person persuaded the said Pitabas. Despite the fact that the Pitabas

disagreed with her request on being insisted upon he came and took her to the house of his matrimonial uncle. Accordingly, the present Petitioner, the matrimonial uncle has been implicated in this case.

4. Having regard to the fact that the case has been registered one under the POCSO Act while this Court is not inclined to grant anticipatory bail, it is directed that in the event the Petitioner surrenders and moves for bail before the learned court below, the learned court in seisin over the matter shall dispose of the same on its own merit being alive of the position of law on bail, as far as possible taking into consideration the materials on record as well as other documents available on record, on the very same day, without being influenced by the any observations made by this Court.

6. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge