

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14321 of 2022

Ranjit Das

.... ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M.K. Mohanty, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
02.12.2022**

02.

1. Heard learned counsel for the Petitioner and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in anticipation of arrest for his alleged involvement in the offences U/s.294/506/34 IPC and Section 67E of the I.T. Act read with Section 3(1)(r)(s)/3(2)(va) of the SC & ST (PA) Act.
3. Learned counsel for the Petitioner submits that the FIR neither discloses the Petitioner to be the culprit nor the offence under Section 3(1)(r)/3(2) (va) of the SC & ST (PA) Act is applicable to him inasmuch as the FIR discloses the brother and father of the Petitioner had allegedly abused the parents of the Informant. It is further submitted that there is absolutely no material against the present Petitioner to connect him in the crime.
4. Learned counsel for the State, on the other hand, vehemently opposed the bail application and contended that previous conduct of the Petitioner give rise the present incident and in view of the fact

that the investigation is in progress active involvement of the present Petitioner cannot be ruled out at this stage.

5. Keeping in view the submissions of the parties and the perusal of the FIR, the fact that the obscene photograph of the victim has been transmitted in mobile and was made viral. However, no tangible material is appearing against the present Petitioner prima facie to implead him in the present crime at this stage since the investigation is in progress. In that view of the matter, while this Court is not inclined to grant the anticipatory bail, it is directed that in the event the Petitioner surrenders in connection with Mahakalapada P.S. Case No.183 of 2022 corresponding to T.R. Case No.157 of 2022 pending in the court of learned District & Sessions Judge-cum-Special Judge, Kendrapara within a period of two weeks' hence and moves for bail, he shall be released on such terms and conditions as would be deemed just and proper by the said court with further conditions that he shall appear in person before the court below on each date of posting of the case unless specifically exempted by the court concerned with the further conditions that he shall appear before the IO as and when required, shall not threaten or intimidate the Informant party in any manner whatsoever and shall cooperate with the investigation; shall not indulge in any other similar offence in any manner whatsoever while on bail. Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge