

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16248 of 2021

1. Ratana Hati

2. Rabi Hati

....

Petitioners

Mr.R.N. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.A.K. Beura,

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
07.04.2022**

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Banki P.S. Case No.326 of 2021 corresponding to G.R. Case No.423 of 2021 pending before the learned S.D.J.M., Banki for commission of alleged offences under sections 363, 366, 323/34 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

The victim girl was produced before the learned

Magistrate and her 164 Cr.P.C. statement was recorded, from which it reveals that the victim was a minor as on the date of occurrence and petitioner no.1 kept physical relationship with her. The victim has also stated that she had not opposed to such relationship.

On going through the 164 Cr.P.C. statement of the victim, since nothing has been stated against petitioner no.2 Rabi Hati, who is the father of petitioner no.1, I am inclined to release petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.2 in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two solvent sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

So far as petitioner no.1 Ratana Hati is concerned, in view of the nature and gravity of accusation against him, while not inclining to grant

anticipatory bail, it is observed that in the event petitioner no.1 surrenders in the learned Court below and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

PKSahoo

