

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16679 of 2021

Narendra Mahala

.... Petitioner

Mr.C.R. Satpathy, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. D.K. Pani,
Addl. Standing Counsel
Mr. Sitikant Mishra
(for informant)*

CORAM:

JUSTICE S.K. SAHOO

ORDER

24.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Spl. G.R. Case No.334 of 2021 arising out of Khaira P.S. Case No.282 of 2021 pending in the Court of learned Special Judge, POCSO, Balasore for alleged commission of offences under sections 363/420/376(2)(n)/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioner submitted that the main allegation is against Jasobant Mahala who has already been arrested and taken into judicial custody and the ingredients of offences under sections 376(2)(n)/420/363/506 of the Indian Penal Code read with section 6 of the POCSO Act are not attracted against the petitioner and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail.

Considering the submissions made by the respective parties, the nature of accusation against the petitioner and since the ingredients of the main offences are not attracted against the petitioner, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 sureties for the like amount to the satisfaction of the arresting officer with further conditions that 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 such facts to the Court or to the

Investigating Officer.

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

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

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