

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.792 of 2022

Biju Bhola

.... ***Petitioner***
Mr.S.K.Nayak-2,Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.S.Mishra,, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.10.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. On oral prayer made by the learned counsel for the Petitioner, he is permitted to carry out correction in the body of the application in respect of case number and name of the court.
 3. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
 4. The Petitioner is seeking pre-arrest bail in connection with Special POCSO Case No.3 of 2018, arising out of Chandbali P.S. Case No.75 of 2017 pending in the Court of the learned Additional District Judge-cum-Special Judge, Bhadrak for commission of alleged offence punishable under sections 363, 366-A, 109,376/34 of

the Indian Penal Code read with Section 4 of the POCSO Act.

5. Learned counsel for the Petitioner seeks liberty to surrender before the learned court below and move an application for bail there. Further he prays for a direction to the learned court below to consider the bail application of the Petitioner on the same day.

6. Taking into consideration the nature of offence and non-availability of the case diary, I am not inclined to exercise my discretion under Section 438 Cr.P.C. in favour of the Petitioner.

7. However, it is observed that the Petitioner, if so advised, may surrender before the learned court in seisin over the matter in the aforesaid case within three weeks from today. In the event the Petitioner surrenders and motions for bail within the aforesaid period, learned court in seisin over the matter shall do well to dispose of the bail application of the Petitioner on the same day on merit in accordance with law. The case diary as well as the medical examination report of the victim be made available to the concerned court to facilitate disposal of the bail application of the Petitioner.

8. With the aforesaid observation, the ABLAPL is disposed of.

9. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge