

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.872 of 2022

Dipu @ Shankar Das* *Petitioner

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha* *Opp. Party

*Smt. Susamarani Sahoo,
Addl. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

03.02.2022

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 Special G.R. Case No.04 of 2022 arising out of Nemalo P.S. Case No.07 of 2022 pending in the Court of learned Presiding Officer, Children's Court, Cuttack for alleged commission of offences under sections 341/294/323/354/506/509 of the Indian Penal Code read with section 12 of the POCSO Act.

Perused the F.I.R.

Learned counsel for the petitioner submitted that there is existence of civil dispute between the parties for which this case has been foisted and therefore, the

anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Since one of the offences is under section 12 of the POCSO Act and the victim girl is aged about twelve years old and in view of the nature and gravity of accusation against the petitioner, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law. The case records shall be made available to the Court concerned.

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.

(S.K. Sahoo)
Judge

RKM