

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2113 of 2022

1. Jahan Naik @ Johan Naik

2. Saib Naik @ Saiba Naik

3. Surekha Naik

4. Pinky Naik

.... Petitioners

Mr. S.K. Bhanjadeo, Advocate

-versus-

1. State of Odisha

2. Sanjila Naik

.... Opp. Parties

*Mr. A.K. Beura,
Addl. Standing Counsel*

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

ORDER

15.03.2022

Order No.

01. 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 T.R. Case No.77 of 2021 arising out of Doraguda P.S. Case No.173 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Presiding Officer, Special Court, POCSO Act, Rayagada for alleged commission of offences under sections 376(3)/313/109/34 of the Indian Penal Code read

with sections 4(2)/6/17 of the POCSO Act.

Perused the F.I.R.

In view of the nature and gravity of the accusation against the petitioners particularly since one of the offences is under section 376(3) of the Indian Penal Code and taking into account sub-section (4) of section 438 of Cr.P.C., while not inclining to grant anticipatory bail to the petitioners, it is observed that in the event the petitioners surrender in the Court below within a period of four weeks from today and move 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 and so far as petitioners nos.3 and 4 are concerned, proviso to section 437(1) Cr.P.C. shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge