

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2471 of 2022

Samir Naik ***Petitioner***

Mr. K.S. Sahu, Advocate

-versus-

State of Odisha ***Opp. Party***

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

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

**ORDER
29.03.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical 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 C.T. Special (P) No.11 of 2022 arising out of Rasol P.S. Case No.35 of 2022 pending in the Court of learned Addl. Sessions Judge and Special Judge –cum- POCSO, Dhenkanal for alleged commission of offences under sections 363/376(2)(n)/376(3)/34 of the Indian Penal Code read with section 6 of the POCSO Act.

Perused the F.I.R.

Since one of the offences is under section

376(3) of the Indian Penal Code, in view of sub-section (4) of section 438 of Cr.P.C., this anticipatory bail application is not maintainable.

Accordingly, the ABLAPL is disposed of.

The petitioner is at liberty to surrender and move for bail before the learned Court below within a period of four weeks from today, the same shall be considered in accordance with law expeditiously by the Courts below. The case records shall be made available to the Court concerned.

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

(S.K. Sahoo)
Judge



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