

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2567 of 2022

Sk. Jamir @ Jamiruddin Petitioner

Mr. P.K. Jena, Advocate

-versus-

State of Odisha Opp. Party

*Mr. D.K. Pani,
Addl. Standing Counsel*

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

**ORDER
30.03.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Basta P.S. Case No. 255 of 2021 corresponding to Special Case No.221 of 2021 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge (POCSO), Balasore for the commission of the alleged offences punishable under sections 342, 376D and 506 of the Indian Penal Code, section 5 of the POCSO Act and sections 67, 67(a) and 67(b) of the Information Technology Act.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that charge sheet has been submitted showing the petitioner as an

absconder and the co-accused persons are facing trial in the Court of learned Special judge, Balasore in Special Case No. 221 of 2021 and the victim having been examined as P.W.2 has not stated anything which would attract the ingredients of the offence, inter alia, under section 376D of the Indian Penal Code and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the nature and gravity of accusation, while not inclining to grant anticipatory bail to the petitioner, liberty is granted to the petitioner to surrender and move for bail in the Court below within a period of four weeks from today in the event of which the learned Court below shall dispose of the same in accordance with law and claim of parity with the co-accused, who is stated to have been released on bail, shall be taken into account. The case records shall be made available to the Court concerned for disposal of the bail application.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge