

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2817 of 2022

Rabi @ Rabindra Behera* *Petitioner

Mr. A.S. Nandy, Advocate

-versus-

State of Odisha* *Opp. Party

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

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

**ORDER
19.04.2022**

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 Jashipur P.S. Case No. 50 of 2022 corresponding to C.T. Case No.22 of 2022 pending in the Court of learned Sessions Judge - cum- Special Court, Baripada for the commission of the alleged offences punishable under sections 363, 342, 376(1) of the Indian Penal Code and section 4 of POCSO Act.

Learned counsel for the petitioner submitted that though the case was initially registered inter alia for commission of offence under section 4 of the POCSO Act, but subsequently, it was deleted and there is inordinate delay in lodging of the F.I.R. and the ingredients of the offence under section 376 of the Indian Penal Code are not attracted and therefore, the

anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that the victim has categorically implicated the petitioner in the commission of rape.

Considering the submissions made by the learned counsel for the respective parties, 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. 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

PKSahoo

