

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4084 of 2021

1. Ratik Khan

2. Sabana Bibi

....

Petitioners

Mr.S.K.Dwibedi, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P.Patra,

Addl. Standing Counsel

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

**ORDER
23.03.2022**

Order No.

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

Heard the 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 Bhograi P.S. Case No.153 of 2020 corresponding to Special Case No. 21 of 2021 pending in the Court of learned Special Judge, Balasore for commission of alleged offences under sections 363, 364-A, 376(2), 109/34 of the Indian Penal Code and sections 6 and 17 of POCSO Act.

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

Learned counsel for the petitioners submitted that the main allegation is against the co-accused Sk. Sabir, who was taken into custody and has been released on bail by this Court in BLAPL No. 1040 of 2021 as per order dated 17.06.2021 and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State has produced the copy of the charge sheet which indicates that the petitioners have been charge sheeted under sections 363, 364-A, 376(2), 109/34 of the Indian Penal Code and sections 6 and 17 of POCSO Act. The copy of the charge sheet is taken on record.

In view of the materials available on record and the fact that the victim was a minor girl aged about sixteen years at the time of occurrence, while not inclining to grant anticipatory bail to the petitioners, liberty is granted to them 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 claim of parity and proviso to section 437(1) of 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 for disposal of the bail application.

The ABLAPL stands disposed of.

The interim order dated 12.04.2021 stands vacated.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

