

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5320 of 2022

Fula Behera

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

*Mr. Gangadhar Samal, Advocate for the
informant*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

Informant enters appearance through Mr. Gangadhar Samal and his associates files Vakalatnama in Court today. The same is accepted and be kept on record.

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

3. The petitioner is apprehending arrest for the alleged commission of offence under Section 363, I.P.C. of the court of the learned Additional Sessions Judge-cum-Special Judge (POCSO), Sambalpur.

4. It is submitted by leaned counsel for the petitioner that principal accused, namely, Biranchi Behra, has already been released on bail by the by this Court by BLAPL No.5601 of 2022 vide order dated 16.08.2022.

5. Considering the facts of the case, this Court is not inclined to

grant anticipatory bail to the petitioner.

6. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned Additional Sessions Judge-cum-Special Judge (POCSO), Sambalpur in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(A.K. Mohapatra)
Judge