

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6214 of 2022

Braja Kishore Behera* *Petitioner

Mr. A.Das, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

CORAM:

**JUSTICE S.K. SAHOO
ORDER**

28.06.2022

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.

Learned counsel for the State submits that though the case was registered under section 363 of the Indian Penal Code, but subsequently, it turned to one under sections 366, 376(2)(n) and 376(3) of the Indian Penal Code and section 6 of POCSO Act.

This is an application for grant of anticipatory bail under section 438 of Cr.P.C. in connection with Rajkanika P.S. Case No.43 of 2021 corresponding to G.R. Case No. 27 of 2022 pending in the file of learned J.M.F.C., Aul for alleged commission of

offences under sections 366, 376(2)(n) and 376(3) of the Indian Penal Code and section 6 of POCSO Act.

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

Learned counsel for the State placed the 164 Cr.P.C. statement of the victim, which prima facie shows the involvement of the petitioner in the alleged crime.

In view of the nature and gravity of the accusation and since the case is one under section 376(2)(n) of the Indian Penal Code and other offences, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner appears in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge