

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.6783 OF 2022

Biplab Kumar @ Biplab Sahoo ***Petitioners***

Mr.D.Dhar, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. S. Jena, ASC,

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
31.01.2023**

Order No.

I.A. NO.39 OF 2023

03. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Head.
3. Considering the submissions made and on going through the averments taken in the Petition, the order dated 21.11.2022 passed by this Court in ABLAPL No.6783 of 2022 is hereby recalled.

The I.A. stands disposed of.

***(D. Dash),
Judge.***

**ORDER
31.01.2023**

ABLAPL NO.6783 OF 2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. The Petitioner having been implicated in connection with Parjanga P.S. Case No.165 of 2019 corresponding to C.T. Special Case No.P/49 of 2019 arising out of G.R. Case No.155 of 2019 on

the file of learned Additional District Judge-cum-Special Court POCSO, Dhenkanal for alleged commission of offence under Sections 376(2)(n), I.P.C. and section 67 of the IT Act has filed this application under section 438 of Cr.P.C. for grant of bail in the event of his arrest in the said case.

3. Heard learned Counsel for the Petitioner and learned Counsel for the State.

4. Considering the submissions made and on going through the materials as placed as also taking into account the surrounding circumstances; while being not inclined to grant anticipatory bail to the Petitioner; this application stands disposed of with an observation that in the event the Petitioner surrenders before the court in seisin of the case within three weeks hence and move for his release on bail, the same shall be considered on its own merit, without being prejudiced by this order and disposed of early in accordance with law so as to enable the Petitioner in case necessity so arises, to approach the next higher forum early.

The case record be transmitted at the cost of the Petitioner.

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan