

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.8126 OF 2020

Rushu Benia

.... ***Petitioner***
Mr. G.K. Routray, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC.

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

ORDER

14.12.2022

Order No.

10. 1. The matter is taken up through hybrid arrangement (physical/virtual) mode.
2. The Petitioner having been implicated in connection with Muribahal P.S. Case No.116 of 2020 corresponding to Special G.R. Case No.51 of 2020 on the file of learned Addl. Sessions Judge-cum-Special Judge(POCSO), Balangir for alleged commission of offence under Section-376(2)(n) of the IPC read with Section-6 of POCSO Act, has filed this application under Section-438 of the Cr.P.C. for his release on bail in the event of his arrest in the aforesaid case.
3. Heard learned Counsel for the Petitioner and learned counsel for the State.
4. Considering the submissions made and keeping viewing the materials on record as also other surrounding circumstances, while being not inclined to accept the prayer for grant of anticipatory bail to the Petitioner, this application is disposed of with the observation that in the event the Petitioner surrenders

before the Court in seisin of the aforesaid case within a period of three weeks hence and moves for his release on bail, the same shall be considered on its own merit and disposed of in accordance with law, during the course of the day unless there stands any legal impediment.

5. The ABLAPL is accordingly dismissed.

Issue urgent certified copy as per rules.

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

Narayan

