

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16590 of 2022

***Amit Nayak @ Amit Kumar
Nayak @ Kuna***

Petitioner
....
Mr. Akshaya Kumar Sahoo, Advocate

-versus-

State of Odisha

Opp. Party
....
Mr. Shashanka Patra, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
04.01.2023**

Order No.

- 01.
1. Heard the learned counsels for the Petitioner and the State.
 2. By means of this application under Section 438 Cr.P.C., the Petitioner seeks grant of anticipatory bail in apprehension of arrest for his alleged involvement in the offence under Sections 363/366/376(2)(n)/34, I.P.C. and Section 6 of the POCSO Act, in connection with Binjharpur P.S. Case No.304 of 2022 corresponding to C.T. Case No.982 of 2022 further corresponding to C.T. Spl. (POCSO) Case No.67 of 2022 pending in the court of learned Spl. Judge-cum-Addl. District Judge, Jajpur.
 3. Learned counsel for the Petitioner submits that the principal accused in this case has since been released on bail.
 4. Having regard to the allegations in the F.I.R., there appears material in the case with regard to the offence under the POCSO

Act and, as such, it is not desirable for this Court to grant anticipatory bail while disposing this application. However, it is directed that in the event the Petitioner surrenders and moves for bail, the learned court in seisin over the matter shall dispose of the same on its own merit being alive of the position of law on bail, as far as possible taking into consideration the materials on record as well as other documents available on record by applying its own wisdom, on the very same day as far as practicable, without being influenced by any observations made by this Court.

5. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

S.K. Parida

