

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8579 of 2022

Samaru Sahu

....

Petitioner

Mr. Biswajit Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

11.08.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Section 376(1), I.P.C.
4. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however the Petitioner is given liberty to surrender before the learned S.D.J.M. (Panposh), Rourkela in G.R. Case No.2106 of 2019 corresponding to Udit Nagar P.S. Case No.0298 of 2019 in the first hour within 21 working days hence and move for bail. In such event, the learned Magistrate shall consider the bail application of the Petitioner in the first hour of the day, strictly on the basis of the materials available on record. In case

of rejection of the bail application by the learned Magistrate, the Petitioner may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day on merit, strictly on the basis of the materials available on record.

Case Diary be made available to the learned courts below as soon as possible in order to facilitate in disposing of the bail application of the Petitioner on the same day itself.

5. The ABLAPL is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

