

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8967 of 2022

Sunil Behera

....

Petitioner

Mr. L.N. Rayatsingh, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

03.08.2022

Order No.

01. 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 offences punishable under Sections 376(1), I.P.C. and Section 4(1) of the POCSO Act.
4. Considering the nature of 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 Judge, Special Court (POCSO), Dhenkanal in C.T.(SPL)(POCSO) Case No.70 of 2020 corresponding to Rasol P.S. Case No.143 of 2020 within three weeks from today. In the event of his surrender and motion for bail within the aforesaid period, learned Judge, Special Court (POCSO), Dhenkanal shall do well to dispose of the bail application of the

petitioner on the same day on merit in accordance with law. The Case Diary be made available to the concerned court as quick as possible to facilitate disposal of the bail application of the petitioner on the same day itself.

5. Ground of parity, if canvassed by learned counsel for the Petitioner, may be taken into consideration by the learned court below as per law, while dealing with the bail application of the Petitioner on merit.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge



S.K.Parida