

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9173 of 2022

Ghana Shyam Bhati

....

Petitioner

Mr.Jagabandhu Sahu,Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.09.2022

Order No.

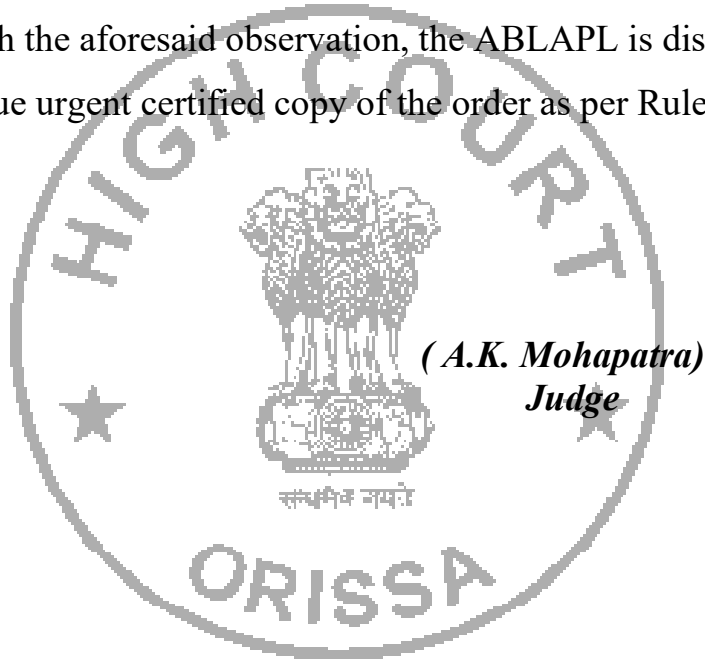
- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
 4. The Petitioner is seeking pre-arrest bail in connection with Spl.G.R. Case No.55 of 2017, arising out of Saintala P.S.Case No.67 of 2017 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge (POCSO), Balangir for commission of alleged offence punishable under section 363 of the Indian Penal Code.
 3. Taking into consideration the nature of offence and non-availability of the case diary, I am not inclined to exercise my

discretion under Section 438 Cr.P.C. in favour of the Petitioner.

4. However, it is observed that the Petitioner, if so advised, may surrender before the learned court in seisin over the matter in the aforesaid case within three weeks from today. In the event the Petitioner surrenders and motions for bail within the aforesaid period, learned court in seisin over the matter 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 to facilitate disposal of the bail application of the Petitioner.

5. With the aforesaid observation, the ABLAPL is disposed of.

6. Issue urgent certified copy of the order as per Rules.



RKS