

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10012 of 2022

Anjan Sethy

.... ***Petitioner***
Mr. P.R. Singh, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.08.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned 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 C.T.(Special) POCSO Case No.39 of 2022 corresponding to, arising out of Dhenkanal Sadar P.S. Case No.274 of 2022 pending in the court of learned Additional Sessions Judge-cum-Special Judge(POCSO), Dhenkanal for commission of offence punishable under Sections 363/366/376(2)(n), I.P.C. read with Section 6 of the POCSO Act.
 5. 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.
 6. However, it is observed that the petitioner, if so advised, may surrender before the learned Additional Sessions Judge-cum-Special

Judge(POCSO), Dhenkanal in the aforesaid case within three weeks from today. In the event her surrender and motion for bail within the aforesaid period, leaned Additional Sessions Judge-cum-Special Judge(POCSO), Dhenkanal shall do well do 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.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

