

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10270 of 2022

Hemant Naik and another

....

Petitioners

Mr.S.K.Rout,Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.S.Patra,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.10.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. The Petitioners are apprehending their arrest for the alleged commission of offence under Sections 366, 376(2)(n), 376(A) of the Indian Penal Code read with Section 4 of POCSO Act. in C.T.(Spl.) POCSO Case No.31 of 2022 arising out of Motanga P.S.Case No.96 of 2022 of the Court of the learned Special Court, POCSO, Dhenkanal.
 3. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.
 4. However, on the submission of the learned counsel, the Petitioners are given liberty to surrender before the learned Special Court, POCSO, Dhenkanal in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the

learned Magistrate shall consider their application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioners may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

5. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioners, if applied for.
6. The ABLAPL is accordingly disposed of.
7. Issue urgent certified copy of the order as per Rules.



RKS