

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10304 of 2022

Sipu @ Dillip Ku Sahoo

....

Petitioner

Mr. Tara Prasad Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

22.09.2022

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 offences punishable under Sections 376(1)/294/506/34, I.P.C. read with Sections 6 & 17 of POCSO Act.
4. It is submitted by learned counsel for the Petitioner that one Babena Swain @ Saroj is the principal accused, against whom serious allegations have been made by the Informant-victim. So far as the present Petitioner is concerned, it is stated that he has been falsely implicated in this case with the principal accused. Learned counsel for the Petitioner further submits that the main accused Babena Swain @ Saroj has already been released on bail vide

BLAPL no.8407 of 2019 and another co-accused namely Tukuna Swain has been released on anticipatory bail vide ABLAPL No.12633 of 2020.

5. Considering such submission, 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 Addl. District Judge-cum-Special Judge, Puri in Spl. G.R. Case No.69 of 2019 corresponding to Delanga P.S. Case No.143 of 2019 within three weeks from today. In the event of his surrender and motion for bail within the aforesaid period, learned Addl. District Judge-cum-Special Judge, Puri 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 in order to facilitate in disposal of the bail application of the petitioner on the same day itself.

6. 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 disposing of the bail application of the Petitioner on merit.

7. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge