

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14498 of 2019

Baikuntha Naik.

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: THE JUSTICE S.PUJAHARI

ORDER

13.04.2022

Order
No.

02.

1. This matter is taken up through Hybrid mode.
2. The Petitioner apprehending his arrest in Jaipatna P.S. Case No.251 of 2019 corresponding to C.T. Case No.71 of 2019, pending in the court of the learned Addl. Sessions Judge-cum-Special Judge, Kalahandi, Bhawanipatna, for alleged commission of offences punishable under Sections 376(2)(n), 294, 506 of IPC and Section 6 of the POCSO Act, has filed this petition for his release on pre-arrest bail.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. As it appears, the petitioner had earlier approached this Court for his release on pre-arrest bail vide ABLAPL No.13638 of 2019 before registration of the aforesaid case and the said prayer was rejected as withdrawn.
5. Learned counsel for the Petitioner during the course of argument submits that he does not want to press this petition for pre-

arrest bail. However, it is submitted that since the Petitioner intends to surrender and move for bail before the court below, direction may be given to the court below to dispose of the bail application of the Petitioner on the same day.

6. Considering the submission made, it is observed that if the Petitioner surrenders in the aforesaid case before the Court in seisin over the matter and makes a motion for bail within six weeks hence, the Court in seisin over the matter shall consider and dispose of the bail application of the Petitioner on its own merit expeditiously preferably on the same day. The incriminating materials collected against the petitioner be sent by the I.O. to the Court on the date of surrender, if he (petitioner) intimates the date of surrender to him. The victim shall be given ten days clear notice in order to remain present and to have her objection, if any, to the bail application of the petitioner.

7. However, the aforesaid order should not be construed as a protection from arrest till the date of surrender. Interim order dated 19.11.2019 passed by this Court stands vacated.

8. The ABLAPL is, accordingly, disposed of.

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

(S. Pujahari)
Judge