

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10985 of 2022

Parbati Digal and others

.... ***Petitioners***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.10.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.40 of 2022, arising out of Baliguda P.S. Case No.147 of 2022 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Phulbani for commission of offence punishable under Sections 376(20(n)/323/294/506/34, I.P.C. read with Section 6 of the POCSO Act.
4. 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 petitioners.
5. However, it is observed that the petitioners, if so advised, may surrender before the learned Additional Sessions Judge-cum-Special Judge, Phulbani in the aforesaid case within three weeks from today. In the event they surrender and motion for bail within the aforesaid

period, learned Additional Sessions Judge-cum-Special Judge, Phulbani shall do well do dispose of the bail application of the petitioners 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 petitioners.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

