

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11799 of 2022

Trinath Behera @ Nath

.... ***Petitioner***
Mr. B. Pr. Das, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is seeking pre-arrest bail in connection with T.R. Case No.395 of 2021 arising out of Laxmisagar P.S. Case No.284 of 2021, pending in the court of learned District and Sessions Judge, Khurda for commission of offences punishable under Sections 376(2)(n)/34, I.P.C. read with Section 6 of the POCSO Act.
4. It is submitted by learned counsel for the petitioner that the principal accused has been arrested and he has also been released on bail by the learned court below. He further submits that investigation has been concluded and charge-sheet has been submitted deleting the offence punishable under Section 3 of the SC and ST Act.
5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

6. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned District and Sessions Judge, Khurda 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 his 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 petitioner 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 petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

8. The ABLAPL is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge