

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.12135 of 2022**

***Dr.Minarani Bhuyan***

....

***Petitioner***

*Mr.Sarathi Jyoti Mohanty,Advocate*

*-versus-*

***State of Odisha***

....

***Opp. Party***

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

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**27.09.2022**

**Order No.**

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. The Petitioner is apprehending her arrest for the alleged commission of offence under Sections 376(2)(d)(i), 370, 403, 406/34 of the Indian Penal Code in G.R.Case No.890 of 2021 arising out of Marsaghai P.S.Case No.187 of 2021 of the Court of the learned S.D.J.M., Kendrapara.
  3. It is submitted by the learned counsel for the Petitioner that the present Petitioner is not the principal accused. He further submits that the investigation has been going on. However, charge sheet has been filed keeping investigation open.
  4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner.
  5. However, on the submission of the learned counsel, the

Petitioner is given liberty to surrender before the learned S.D.J.M., Kendrapara 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 her 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.

6. 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.
7. The ABLAPL is accordingly disposed of.
8. Issue urgent certified copy of the order as per Rules.

