

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13427 of 2022

***Bhanja Kishore Mohanta &
others***

Petitioners
....
Mr. H.K Mohanta, Advocate

-versus-

State of Odisha

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

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
22.11.2022**

Order No.

03.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences U/s. 376(2)(n)/376(3)/420/500/506/109/34 of IPC & Section 6 of POCSO Act & Section- 66(E)/67/67(A)/67(B) of I.T Act.
3. Keeping in view the submission of the parties and having gone through the nature of allegations as emerged from the material on record and further the circumstances appearing, the seriousness and gravity of the offences, while this Court is not inclined to grant anticipatory bail, the petitioners are at liberty to surrender before the learned J.M.F.C., Morada in Morada P.S case No. 191 of 2022 corresponding to C.T Case No. 37 of 2022 within three weeks'

from today and move for bail, the learned court in seisin over the matter shall consider the bail application of the Petitioners in the first hour of the day, strictly on the basis of the materials available on record on its own merit.

4. In case of rejection of the bail application by the learned court, the Petitioners may move for bail before the higher forum in the second hour of the same day. In that event, the higher forum shall consider and dispose of the bail application of the Petitioners on the same day on its own merit.

5. It is made clear that the learned court below shall not be influenced by any of the observations of this court made herein above in any manner and shall no way presume this direction to be for grant of bail in affirmative.

6. Court has to apply its own wisdom in dealing with the application for bail.

7. Case diary be made available to the learned courts below as soon as possible to facilitate disposal of the bail application of the Petitioner on the same day.

8. The ABLAPL is disposed of.

(Chittaranjan Dash)
Judge