

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13621 of 2022

Sk. Nazar

.... ***Petitioner***
Mr. B.K. Bal, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
27.02.2023

Order No.

I.A. No.124 of 2023

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners as well as learned counsel for the State.
3. In view of the submissions made, the order dated 21.12.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(A.K. Mohapatra)
Judge

ABLAPL No.13621 of 2022

03. 4. Heard.
5. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
6. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.

7. The petitioner is seeking pre-arrest bail in connection with Spl. G.R. Case No.125 of 2019, arising out of Salipur P.S. Case No.235 of 2019 pending in the court of learned P.O. Spl. Court under POCSO Act, Cuttack for commission of offence punishable under Sections 376(2)(n)/294/506/34, I.P.C. read with Section 6 of the POCSO Act and charge-sheet submitted for offences punishable under Sections 294/506/34, I.P.C.

8. 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 petitioner.

9. However, it is observed that the petitioner, if so advised, may surrender before the learned court in seisin over the matter in the aforesaid case within three weeks from today. In the event the petitioner surrenders and motion for bail within the aforesaid period, learned court in seisin over the matter shall do well to dispose of the bail application of the petitioner 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 petitioner.

10. With the aforesaid observation, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge