

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 13924 of 2022

Haresh Naik

....

Petitioner

Mr. Surendra Kumar Gartia,
Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
31.10.2022**

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. By means of this application under Section 438 Cr.P.C., the Petitioner seeks anticipatory bail apprehending his arrest on the alleged offence under Sections 341/323/354-D/506/509/34, I.P.C. and Section 12 of the POCSO Act, in connection with Jharbandha P.S. Case No.154 of 2022 corresponding to C.T. Case No.57 of 2022 pending in the Court of learned A.D.J.-cum-Special Judge (POCSO), Bargarh.
3. Having regard to the allegations in the F.I.R., there appears material in the case with regard to the offence under the POCSO Act and as such it is not desirable for this Court to entertain the anticipatory bail and disposing the application. However, it is

directed that in the event the Petitioner surrenders and moves for bail before the learned court below, the learned court in seisin over the matter shall dispose of the same on its own merit being alive of the position of law on bail, as far as possible taking into consideration the materials on record as well as other documents available on record, on the very same day, without being influenced by the any observations made by this Court.

4. The ABLAPL is disposed of accordingly.

S.K. Parida



(Chittaranjan Dash)
Judge