

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14372 of 2021

Mangu @ Mangaraj Shial Petitioner

Mr. B.S. Dasparida, Advocate

-versus-

**1. State of Odisha
2. Bhagaban Malik
3. Gayatri Malika**

.... Opp. Parties

*Mr.J.P. Patra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
07.04.2022**

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Special (P) Case No.241 of 2021 arising out of Soro P.S. Case No.363 of 2021 pending in the Court of learned Special Judge, POCSO, Balasore for alleged commission of offences under sections 341, 506, 376 (2)(n), 376(3), 294/34 of the Indian Penal Code read with section 6 of the POCSO Act and section 67 of the Information Technology Act, 2000 and section 3(1)(r), 3(2)(v) of SC and ST

(prevention of Atrocities) Act, 1989.

Perused the F.I.R.

Since one of the offences is under section 376(3) of the Indian Penal Code, in view of sub-section (4) of section 438 of Cr.P.C., this anticipatory bail application is not maintainable.

Accordingly, the ABLAPL is disposed of.

The petitioner is at liberty to surrender and move for bail before the learned Court below within a period of four weeks from today, the same shall be considered in accordance with law expeditiously by the Courts below. The case records shall be made available to the Court concerned.

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

(**S.K. Sahoo**)
Judge

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