

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.16387 OF 2020

Sidhartha Sekhar Dalai

....

Petitioner

Mr.R. Agarwal, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

25.04.2022

Order No.

- 03.
1. This matter is taken up by hybrid arranged (virtual/physical) mode.
 2. The Petitioner having been implicated in connection with Cuttack Sadar P.S. Case No.700 of 2020 corresponding to G.R. Case No.2998 of 2020 pending on the file of learned J.M.F.C. (R), Cuttack, running for alleged commission of offence under Section 376(2)(n)/417/506/34 of the IPC, has filed this application under Section 438 of the Cr.P.C. for his release on bail in the above mentioned case.
 3. Heard learned counsel for the Petitioner and learned counsel for the State.
 4. Considering the submissions made and on going through the materials on record including the statement of the victim recorded under section 164 Cr.P.C., as also the surrounding circumstances; while being not inclined to grant anticipatory bail to the Petitioner; it is observed that in the event

the Petitioner surrenders before the Court in seisin of the aforesaid case and moves for his release on bail, the same shall be considered on its own merit and disposed of in accordance with law during the first hour of the day without being prejudiced by this order so as to enable the Petitioner to approach the next higher forum during the course of the day, in case necessity so arises unless there stands any legal impediment.

The case records be made available at the cost of the Petitioner.

Interim order passed on 30.12.2020 does no more survive.

4. The ABLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Basu