

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16727 of 2021

1. Buduni Chatar **Petitioners**
2. Rebati Hembram
3. Patra Bankira

Mr. S.K. Baral, Advocate

-versus-

State of Odisha **Opp. Party**

Smt. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

25.01.2022

Order No.

01.

This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Special G.R. Case No.85 of 2020 arising out of Khuntuni P.S. Case No.126 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Special Court under POCSO Act, Cuttack for alleged commission of offences under sections 363/366/342/294/506/323/354-A/34 of the Indian Penal Code read with

section 12 of the POCSO Act.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the main allegation is against co-accused Rajendra Hemrum and he was taken into custody and has been released on bail and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that the victim is a minor school going girl and in view of the nature and gravity of the accusation, the petitioners should not be released on anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioners, while not inclining to grant anticipatory bail to the petitioners, it is observed that in the event the petitioners surrender in the Court below within a period of four weeks from today and move for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law and claim of parity with the co-accused persons, who are stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court

concerned.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge

RKM

