

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16803 of 2021

Nanda @ Sarat Jena **Petitioner**

Mr.A.K. Sahoo, Advocate

-versus-

State of Odisha **Opp. Party**

Mr.A.K. Beura,
Addl. Standing Counsel

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

**ORDER
27.01.2022**

Order No.

01. This matter is taken up through video conferencing 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 Spl. G.R. Case No.36 of 2016 arising out of Binjharpur P.S. Case No.45 of 2016 pending in the Court of learned Sessions Judge –cum- Special Judge, Jajpur for alleged commission of offences under sections 302/201/109/376(2)(i)/417/34 of the Indian Penal Code read with section 6 of the POCSO Act.

Learned counsel for the petitioner submitted that the petitioner has not been named in the first information report and the main allegation is against Nakula Jena and he has been subsequently entangled in the case basing

on the confessional statement of the co-accused before police and some of the co-accused persons have been enlarged on bail and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail and submitted that it is a case where charge sheet has been submitted under sections 302/201/109/376(2)(i)/417/34 of the Indian Penal Code read with section 6 of the POCSO Act and it is a case of the year 2016.

In view of the available material on record, while not inclining to grant anticipatory bail to the petitioner, I direct that in the event the petitioner surrenders before the learned Court below within a period of four weeks from today and moves for bail, the same shall be considered in accordance with law expeditiously and while disposing of the bail application, the learned Courts below shall consider the claim of parity with the co-accused, who is stated to have been released on bail, in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL stands 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

