IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.9556 of 2024

Sk Abdul Sahid @ Shakh Buta ..... ***Petitioner***

Represented By Adv. - Haraprasad Panda

-versus-

State Of Odisha ..... ***Opposite Party***

Represented By Adv. – Samresh Jena, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **05.04.2024**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.

3. The present application has been filed under Section 482 of B.N.S.S for releasing the Petitioner on anticipatory bail. In view of the bar under Section 18 & 18-A of the S.C. & S.T. Act, the present application under Section 482 of B.N.S.S is not maintainable. The provision of Section 482 of B.N.S.S is not applicable to the case registered involving an offence under the S.C. & S.T. Act.

4. Further, this Court has also elaborately discussed the issue in the case of **Pramod Kumar Ray and others-vrs.-State of Odisha,** reported in **(2017) 67 OCR 309.** In the light of the principle laid down by this Court in **Pramod Kumar Ray** (supra), the present bail

application is being disposed of with the following observations.

5. The Petitioner shall surrender before the learned District and Session Judge, Jajpur in connection with Dharmasala P.S Case No.616 of 2024 corresponding to C.T (SPL) Case No- 137 of 2024. Seven days before the Petitioner surrenders before the said Court, he or his counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his/her counsel or dependent.

6. Further, it is directed that on advance intimation the case diary and other relevant materials be made available to the Court in seisin over the matter by the date of surrender. The learned Court in seisin over the matter is further directed to consider the case of the Petitioner in accordance with law and shall dispose of the bail application on the very same day.

7. The ABLAPL is accordingly disposed of.

8. Issue urgent certified copy as per Rules.

Rubi

(A.K. Mohapatra)

Judge

Signature Not Verified
Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 06-Sep-2024 19:10:40