IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14787 of 2024

Smrutirekha Nayak **.....** ***Petitioner***

Represented By Adv. -
Amlan Mohanty

-versus-

1) State Of Odisha **.....** ***Opposite Parties***

2) Upendra Kumar Jena

Represented By Adv. –
M.R.Mohanty, A.G.A.

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

ORDER
24.12.2024

Order No.

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

2. Heard learned counsel for the appearing for the Parties. Perused the records.

3. The present application has been filed under Section 482 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 B.N.S.S. is not maintainable. The provision of Section 482 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 & Sessions Judge-cum-Special Judge, Jajpur on or before 24.01.2025 in C.T. (Spl.) Case No.202 of 2024 arising out of Jajpur Sadar P.S. Case No.312 of 2024 for commission of alleged offences under Sections 3(1) (r), 3(1)(s) of SC & ST (POA) Act read with Sections 126(2)/296 of B.N.S. Seven days before the Petitioner surrenders before the said Court, she or her 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 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 strictly on the basis of the materials on record, by maintaining the principles of parity, if applicable.

7. Till the date of surrender of the Petitioner as stipulated in this order, the Petitioner shall not be arrested in connection with the aforesaid case.

8. The ABLAPL is accordingly disposed of.

9. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 25-Dec-2024 14:15:13