

02. 29.11.2019

Heard learned counsel for the petitioner as well as learned Additional Standing Counsel for the State-opposite party.

The petitioner has prayed to release her on bail under Sec.438 Cr.P.C. in connection with Baliana P.S. Case No.245 of 2019 corresponding to C.T. Case No.149 of 2019 pending on the file of learned District & Sessions Judge-cum-Special Judge, Khurda at Bhubaneswar for the alleged commission of offence under Secs.341/323/294/506/307/34, I.P.C. and Sec.4 of the D.P. Act and Sec.3(1)(r)(s)(2)(v)(va) of SC & ST (POA) Act. I am not inclined to release the petitioner on anticipatory bail in view of the prohibition contained in Sec.18 of the said Act.

However, it is submitted by citing a decision in the case of ***Pramod Kumar Ray and other vs. State of Odisha***, reported in ***2017 (II) OLR 44***, that the petitioner may be permitted to surrender before the court below. In such event, learned court below in seisin over the matter shall consider his prayer for bail in accordance with law including the procedure mentioned in Sec.15A of the SC & ST (POA) Act. The learned court below shall also consider to release the petitioner on interim bail.

The ABLAPL is disposed of accordingly.

Urgent certified copy of this order be granted on proper application.

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B.P. Routray, J.

