



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.13413 of 2024

Asim @aswini Naik

.....

Petitioner

Represented By Adv. -
Kishor Kumar Naik

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. –
Ms.Sasmita Nayak, ASC
Mr.S. Choudhury,
Advocate for informant.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

02.12.2024

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 438 Cr.P.C. 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 438 Cr.P.C. is not maintainable. The provision of Section 438 Cr.P.C. 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, Sundargarh in Spl.G.R.Case No.109 of 2024 arising out of Town P.S.Case No.289 of 2024 on or before 08.01.2025 for commission of alleged offences under sections sections 296, 351(2), 351(4) of B.N.S. and Section 3(1)(r)(s), 3(2)(va) of S.C. & S.T. (PoA) Act. 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 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.

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

