



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4785 of 2025

Lipu Swain

.....

Petitioner

Represented By Adv. -
Rakesh Behera

-versus-

1) State Of Odisha

.....

Opp. Parties

2) Informant

Represented By Adv. -
U.C. Jena, A.S.C.

CORAM:

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

ORDER

19.11.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the parties and perused the records.
3. This is an application under Section 528 of BNSS has been filed by the Petitioner with a prayer to quash the entire proceeding in connection with Tomando P.S Case No.271 of 2025, corresponding to T.R Case No.566 of 2025 in the file of learned 4th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bhubaneswar, for alleged commission of offences under Sections 126(2)/296/351(3)/3(5) of BNS r/w Section 12 of



POCSO Act.

4. Learned counsel for the Petitioner during course of argument submits that the Petitioner does not want to press this application with liberty to the Petitioner to raise all the points at a later stage by filing an appropriate application.

5. Considering the submission made, this CRLMC stands disposed of as not pressed with liberty as prayed for.

6. Further, taking into consideration the submissions made by learned counsel for the Petitioner that some of the co-accused persons have been enlarged on bail and that the Petitioner is ready and willing to cooperate with the trial, this Court, without expressing any opinion merits of the matter, grants liberty to the Petitioner to surrender before the learned 4th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bhubaneswar in the aforesaid case in the first hour within four weeks hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts on an application being filed prior to surrender of the Petitioner before the court below. Records be transmitted to the higher forum at the cost of the Petitioner, if applied for.



8. Accordingly, the CRLMC is disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

Anil