

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1447 of 2022

Bagala @ Janardan Naik

....

Petitioner

Mr. L. Achari, Advocate

-Versus -

State of Odisha

....

Opp.Party

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.10.2022

Order No.

8.

1. This matter is taken up through hybrid mode.
2. Learned State Counsel informs that notice on the victim has been served but there is no appearance from her side. Hence, the bail application is taken up for hearing.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 23.11.2021 in connection with Tarasingi P.S. Case No.231 of 2021 corresponding to G.R. Case No.169 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Berhampur for the alleged commission of offence under Sections 341/323/294/506/376(3)/34 of IPC read with Section 4 of the POCSO Act.
5. Considering the submission, materials on record, the period of detention in custody, the statement of the victim recorded under Section 164 Cr.P.C. and the medical examination report of the victim, which prima facie does not support the allegation of sexual assault, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on

such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

