

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1808 of 2020

Purna Ch. Behera

....

Petitioner

M/s. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.04.2022

Order No.

14.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.121 of 2019, on the files of learned Special Judge (POCSO)-cum-2nd Additional Sessions Judge, Berhampur, arising out of Purushottampur P.S. Case No.218 of 2019, under Sections 450/376(3)/506 of the IPC and read with Section 4 of the POCSO Act and is in custody since 24.09.2019.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge (POCSO)-cum-2nd Additional Sessions Judge, Berhampur, by order dated 04.02.2020 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the petitioner submits since the victim has already been examined, further detention of the petitioner is not justified.

6. Learned counsel for the State on the other hand placing reliance on the statement of the victim examined as P.W.3 states that since she has withstood cross-examination, the guilt of the petitioner is prima facie established and hence he is not entitled to be released on bail.

7. Considering that the victim has already been examined and the petitioner is in custody since 24.09.2019, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter with an additional condition that he shall attend each date of trial.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

Santoshi

(V. NARASINGH)
Judge