

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2701 OF 2021

Biju Das

..... Petitioner
Mr. J.Sahoo, Adv.

-versus-

State of Odisha

..... Opposite Party
Mr. K.K. Gaya, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
12.04.2022

Order No.
08.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. From the order dated 21.09.2021 it is seen that notice on the informant is sufficient.
4. The petitioner is an accused in connection with G.R. Case No. 128 of 2020 on the file of the learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur, arising out of Gopalpur P.S. Case No. 223 of 2020, for commission of alleged offence under Sections-366/ 376(3)/ 376(2) (n) of IPC read with Section 6 of the POCSO Act, and is in custody since 26.12.2020.
5. Being aggrieved by the order dated 25.03.2021 passed by the learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur in G.R. Case No. 128 of 2020, rejecting

the bail application of the petitioner, the present BLAPL has been filed.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that on a combined reading of the 164 Cr.P.C. statements as well as the medical examination report, the offences are well made out against the Petitioner and merely because the charge sheet has been filed, he should not be enlarged on bail.

7. Taking into account the manner of the 164 Cr.P.C. statement, certified copy of which is submitted by the learned counsel for the Petitioner and that the charge sheet has already been filed, this Court directs the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter, including the conditions that he shall attend each date of trial.

8. The Bail Application thus stands disposed of.

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

10. The certified copy of 164 Cr.P.C. statement of the victim filed by the learned counsel for the Petitioner be kept on record.

Dhal

(V.Narasingh)
Judge