

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3037 OF 2021

Kalia Parihal

..... *Petitioner*
Mr. S.Panda, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
13.07.2022

Order No.
08.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Special Case No.35 of 2020 arising out of Kanjipani P.S. Case No. 21 of 2020, pending on the file of the learned Additional Sessions Judge-cum-Special Judge, Keonjhar for the alleged commission of offence under Sections-376(3)/376(2)(n) of the IPC read with Section-6 of the POCSO Act. The petitioner is in custody since 29.04.2020.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge-cum-Special Judge, Keonjhar by Order dtd. 02.02.2021 in Special Case No. 35 of 2020, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.

5. Learned counsel for the petitioner places on record the statement of the victim examined as P.W.1 and submitted that since the victim has already been examined, the petitioner may be released on bail.

6. Learned counsel for the State opposes such prayer, relying on the statement of P.W. No.1 stating inter alia that the victim has clearly implicated the petitioner. Hence, the bail application does not merit consideration.

7. Taking into account that the petitioner is in custody since 29.04.2020 and the tenor of the examination of the P.W.1-the victim, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter, so as to ensure his presence on each date of trial.

8. The Bail Application thus stands disposed of.

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

Balaram

*(V.Narasingh)
Judge*