

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3043 OF 2021

Gurubaru Jani

..... ***Petitioner***
Mr. S.K. Dwibedi, Advocate

-versus-

State of Odisha

..... ***Opposite Party***
Miss S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
26.04.2022

Order No.

06.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No. 322 of 2020 corresponding to Jharigaon P.S. Case No. 144 of 2020, pending on the file of the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Nabarangpur for the alleged commission of offence under Sections-363/366/341/376(2)(n)/506 of the IPC read with Section-6 of the POCSO Act, and is in custody since 19.09.2020.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Additional District & Sessions Judge-cum Special Court under POCSO Act, Nabarangpur by Order dtd. 12.01.2021 in T.R. Case No. 322 of 2020, the present BLAPL has been filed.

4. Heard Mr. S.K. Dwibedi, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner states that, the petitioner is in custody since 19.09.2020 and the manner in which the accusation has been made, no case under Section 376(2) (n), prima facie is made out against the petitioner.

6. Learned counsel for the State referring to the Case Diary and particularly statement under Section-164 Cr.P.C. of the victim submits with vehemence that the offence as alleged is clearly borne out from the statement of the victim and as such the petitioner is not entitled to be released on bail.

7. Perused the 164 Cr.P.C statements and the Medical Examination Report of the victim. On consideration of the same, taking into account that the petitioner is in custody since 19.09.2020 and the charge-sheet has already been filed, It is directed that the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. The Bail Application thus stands disposed of.

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