

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4582 of 2022

Kanhu Behera

....

Petitioner

Mr. S.Z. Hussain, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.08.2022

Order No.

02.

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 CT (Spl.) No.20 of 2022 on the files of ADJ-cum-PO Special Judge, POCSO, Jharsuguda, arising out of Jharsuguda Sadar P.S. Case No.33 of 2022, under Sections 341/354-B of IPC and Section 10 of POCSO Act, 2012.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-P.O. Special Court under POCSO Act, Jharsuguda, by order dated 31.03.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the 164 Cr.P.C. Statement.
6. Learned counsel for the petitioner relying on the medical examination report which is on record at page 51 of the brief, submits that since the medical examination report does not support the allegation as made and in view of the filing of charge sheet the petitioner is entitled to be released on bail.

7. Perused the 164 Cr.P.C. statement of the victim who is aged about 10 years and stated vividly about the act committed and the medical examination report.
8. On consideration of the same, this Court is not inclined to entertain this bail application of the petitioner at this stage.
9. It shall be open to the petitioner to move afresh, if so advised, after examination of the victim.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

Santoshi



(V. NARASINGH)
Judge