

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3635 of 2021

Prakash Ku. Mandal

....

Petitioner

Mr. P.K. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.03.2022

Order No.

07.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioner is an accused in T.R. Case No.50 of 2020, on the files of learned Additional Sessions Judge-cum-Special Judge, Malkanagiri, arising out of Malkanagiri P.S. Case No.396 of 2020, under Sections 376(2)(n)/376(3)/323/313/34 of the IPC and read with Section 6(1) of the POCSO Act, 2012 and is in custody since 11.11.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Court of Additional Sessions Judge-cum-Special Judge, Malkanagiri by order dated

05.04.2021 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the State submits that the victim, opposite party No.2 has received notice of this application. Learned counsel for the petitioner submits that he is in custody since 11.11.2020 and since charge sheet had already been filed, further continuance is unwarranted.

6. Per contra learned counsel for the State submits that in view of the allegations made, release of the petitioner would affect the impending trial.

7. There is no appearance on behalf of the Opposite Party No.2 in spite of service of notice.

8. Taking into account the period of detention and on perusal of the 164 Cr.P.C. statement of the victim and the medical examination report, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi