

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4829 OF 2022

Saiba Naik & others

**..... *Petitioners*
*Mr. P.C.Chhinchani, Adv.***

-versus-

State of Odisha & another

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

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
16.08.2022**

**Order No.
02.**

1. This matter is taken up through Hybrid Mode.
2. Learned counsel for the State on instruction submits that notice was served on 7.07.2022 on Opposite Party No.2 but there is no appearance on behalf of Opposite Party No.2.
3. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners are accused in connection with T.R. Case No. 77 of 2021 arising out of Doraguda P.S. Case No. 173 of 2021, pending on the file of the learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Rayagada for the alleged commission of offence under Sections 376(3)/313/109/34 of the I.P.C. read with Sections 4(2)/6/17 of the POCSO Act.
4. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge-

Special Court under POCSO Act, Rayagada by Order dtd.21.05.2022, the present BLAPL has been filed.

5. Learned counsel for the Petitioner submits that the principal accused Akshaya Kumar Naik is the son of Petitioner Nos. 1 and 3 and related to Petitioner Nos. 2 and 4.

6. It is submitted that since Charge Sheet has been filed against the principal accused Akshaya Kumar Naik, further continuance of the petitioner in custody is unwarranted.

7. Taking into account the filing of the Charge sheet and period of custody from 10.05.2022, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. The BLAPL thus stands disposed of.

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

(V.Narasingh)
Judge