

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 4559 OF 2021**

***Daya Naik***

***..... Petitioner  
Mr. Devasis Panda, Advocate***

***-versus-***

***State of Odisha***

***..... Opposite Party  
Mr. D. Mund, AGA***

**CORAM:**

**JUSTICE V. NARASINGH**

**ORDER  
04.04.2022**

**Order No.**

**12.**

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with C.T. No. 261 of 2014(POCSO) corresponding to Jaipatna P.S. Case No. 151 of 2014, pending on the file of the learned Addl. Sessions Judge-Cum-Special Court under POCSO Act, Bhawanipatna, for the alleged commission of offence under Sections-376(2)(i) of IPC and r/w. Section-4/6 of the POCSO Act and is in custody since 15.03.2021.
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 Court under POCSO Act, Bhawanipatna by Order dtd. 21.05.2021, the present BLAPL has been filed.
4. Heard Mr. Devasis Panda, learned counsel for the petitioner and Mr. D.Mund, learned Additional Government Advocate for the State.

5. Mr. Rajani Kanta Panda, learned counsel has entered appearance on behalf of the victim being engaged by the District Legal Services Authority, Kalahandi is present and Sri Lingaraj Sethy, S.I., Jayapatna Police Station is also present.

6. Learned counsel for the petitioner referring to the statement recorded under Section-164 Cr.P.C and Medical Examination Report, seeks bail for the petitioner, in view of the fact the charge-sheet has already been filed on 13.12.2018.

7. Learned counsel for the victim as well as the State opposes the prayer for bail of the petitioner.

8. Taking into account the period of incarceration i.e., from 15.03.2021 and on perusal of the Medical Examination Report as well as the 164 Cr. P.C statement, this Court directs that the petitioner shall be released on bail in connection with C.T. No. 261 of 2014(POCSO) corresponding to Jaipatna P.S. Case No. 151 of 2014, pending on the file of the learned Addl. Sessions Judge-Cum-Special Court under POCSO Act, Bhawanipatna, on such terms to be fixed by the learned Court in seisin of the matter with the additional stipulation that the petitioner shall attend each date of trial.

9. The Bail Application thus stands disposed of.

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