

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

**BLAPL No. 5699 OF 2022**

***Niranjan @ Babulu Mohanty***

***..... Petitioner  
Mr. A.K.Sarangi, Adv.***

***-versus-***

***State of Odisha***

***..... Opposite Party  
Mr.P.K.Moharaj, ASC***

**CORAM:  
JUSTICE V. NARASINGH**

**ORDER  
12.08.2022**

**Order No.  
03.**

1. This matter is taken up through Hybrid Mode.
2. Learned counsel for the State on instruction submits that notice was served on the informant/victim on 13.03.2022 but there is no appearance on behalf of the informant/victim when the matter is called.
3. Heard learned counsel for the petitioner and learned counsel for the State.
4. The petitioner is an accused in connection with C.T.(Spl.) Case No. 81 of 2021 arising out of Jharsuguda P.S. Case No. 499 of 2021, pending on the file of the learned A.D.J.-cum-P.O. Special Court under POCSO Act, Jharsuguda for the alleged commission of offence under Sections 363/376(AB) of the I.P.C. and Sections 3(1)(w)/3(2)(v)/3(2)(va)/3(1)(i) of the SC & ST (PoA) Act.

5. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned ADJ-cum-P.O.Spl. Court, POCSO, Jharsuguda by Order dtd.4.06.2022, the present BLAPL has been filed.

6. Learned counsel for the petitioner vehemently submits relying on the statements of the victim examined as P.W.5 aged about 8 years and of P.W.7 the Doctor that no offence as alleged is made out.

7. This Court perused the deposition of the witnesses and in the midst of trial this Court is not persuaded to go into the merit of the statements of the witnesses as it will affect the on going trial.

8. Hence, this Court is not inclined to entertain this application and the same stands rejected.

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(V.Narasingh)  
Judge