

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No. 5111 OF 2021

Jaya Gain

.....

Petitioner

Mr. J.K.Panda, Adv.

-versus-

State of Odisha

..... *Opposite Party*

Mr. K.K.Gaya, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER

13.04.2022

Order No.

05.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The Petitioner is an accused in connection with T.R. Case No.17 of 2021 arising out of Orkel P.S. Case No. 66 of 2021 on the file of learned Additional Sessions Judge-cum-Special Judge, Malkangiri, registered for the alleged commission of offence under Sections 376(3)/363/306 of the I.P.C. and Section 4(2) of the POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Malkangiri, by order dated 11.06.2021, the present BLAPL has been filed.
5. Mr. Panda, learned counsel for the Petitioner submits that since the Charge-sheet has already been filed, his further continuance in custody is not warranted.

6. Learned counsel for the State refutes such submission and state that since the cause of death is awaited, in absence of the Viscera report, prayer of the Petitioner for grant of bail cannot be considered at this stage.

7. Taking note of submission of the Charge-Sheet, inter alia under Section 306, I.P.C. and that the Petitioner is in custody since 8.04.2021, this Court directs that the Petitioner shall be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8 Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

(*V.Narasingh*)
Judge

Dhal

