

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5195 of 2020

Danardana Behera and another

Petitioners

Mr. B.N. Mohapatra, Advocate

-versus-

State of Odisha and another

Opposite Parties

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

27.04.2022

Order No.

13.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in Special G.R. Case No.05 of 2020, on the files of learned Additional District & Sessions Judge-cum-special Judge (Under POCSO) Berhampur, arising out of Sonapur Marine P.S. Case No.01 of 2020, under Sections 363/323/376-D of the IPC read with Section 6 of the POCSO Act. And he is in custody since 15.01.2020.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Judge (under POCSO Act), Berhampur, by order dated 03.04.2020 in the aforementioned case, the present BLAPL has been filed.

5. Perused the 164 Cr.P.C. statement of the victim and taking into account the statements made by Laxmidhar Behera and informant one Lili Behera, this Court is not inclined to exercise its discretion under 439 Cr.P.C.
6. Accordingly, the BLAPL application stands rejected.
7. Urgent certified copy of this order be granted as per rules.

Santoshi



(V. NARASINGH)
Judge