

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6117 of 2022

Chhota @ Subash Mallik & another Petitioners

Mr. P.R.Singh
Advocate

-versus-

State of Odisha

Opposite Party

....
Mr. S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.8.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Learned Addl. Standing Counsel for the State submits that notice on the victim has already been served. There is, however, no appearance from her side. Hence the bail application is taken up for hearing.
3. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
4. The Petitioners are in custody since 4th June, 2022 in connection with Kamakhya Nagar P.S. Case No.95/2022

corresponding to C.T. Special (POCSO) Case No.34/2022 pending in the court of learned Judge, Special Court under POCSO Act, Dhenkanal for the alleged commission of the offence under Sections 363/376(2)(n)/376(3)/109/34 of I.P.C. read with Section 17 of the POCSO Act. It is alleged that the Petitioners are assisted the main accused in committing the alleged occurrence of rape on the victim. There is no other allegation against them.

5. Considering the submissions made, the materials on record, the period of detention in custody and in particular the statement of the victim recorded under section 164 of Cr.P.C., I am inclined to allow the prayer for bail.

6. Let the Petitioners be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that they shall appear personally before the court below on each date of posting of the case without fail.

7. The BLAPL is disposed of.

8. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

