

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6205 of 2022

Basudev @ Basu Ratha

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

30.08.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Mr. P.K. Pradhan learned counsel for the informant filed Vakalatnama on behalf of the informant which is taken on record. Registry is requested to reflect the name of Mr. Pradhan and associates on the file as well as in the cause list.
4. The petitioner is an accused in Special (POCSO) Case No.58 of 2022 arising out of Handapa P.S. Case No.0149 of 2022, pending in the file of learned A.D.J.-cum-Special Court (POCSO), Angul, under Sections 376(2)(f)(n)/376AB/506 of the IPC and Section 6 of POCSO Act, 2012 and is in custody since 14.06.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Court, under

POCSO Act, Angul by order dated 07.03.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the petitioner that its a case of false implication and in fact FIR has been filed by the mother of the present petitioner against the informant and her family in the case at hand. It is submitted with vehemence and taking into account the age of the victim no case under Section 376-AB of IPC is made out, hence seeks for release on bail.

7. It is also submitted that by the learned counsel for the petitioner that he is in custody since 14.06.2022 and in view of the filing of the charge sheet, further continuance of the petitioner is punitive.

8. Learned counsel for the State and informant oppose the prayer for bail.

9. This Court perused the 164 Cr.P.C. statement of the petitioner who is stated to be a student of Class VIII and considering the tenor thereof and keeping in view the petitioner's relationship with the victim, this Court is not inclined to entertain this application. The same stands rejected.

10. It shall be open to the petitioner to move for bail afresh after examination of the victim.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi