

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6240 of 2022

Dipu @ Deepak Jena

....

Petitioner

Mr. P.S. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, 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. Learned counsel for the State on instructions submits that notice of the application was served on the informant/victim on 08.08.2022. There is no appearance on behalf of the informant/victim at the time of call.
4. The petitioner is an accused in C.T. Special (POCSO) Case No.119 of 2021, pending in the file of learned Additional Sessions Judge-cum-Special Judge (FTSC), Jajpur, arising out of Korei P.S. Case No.236 of 2021 under Sections 363/ 366/ 376(2)(n)/ 376(3)/ 294/ 34 of IPC read with Section 6 of the POCSO Act and is in custody since 01.10.2021.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Spl.

Judge (FTSC) I/c. Jajpur by order dated 24.06.2022 in the aforementioned case, the present BLAPL has been filed.

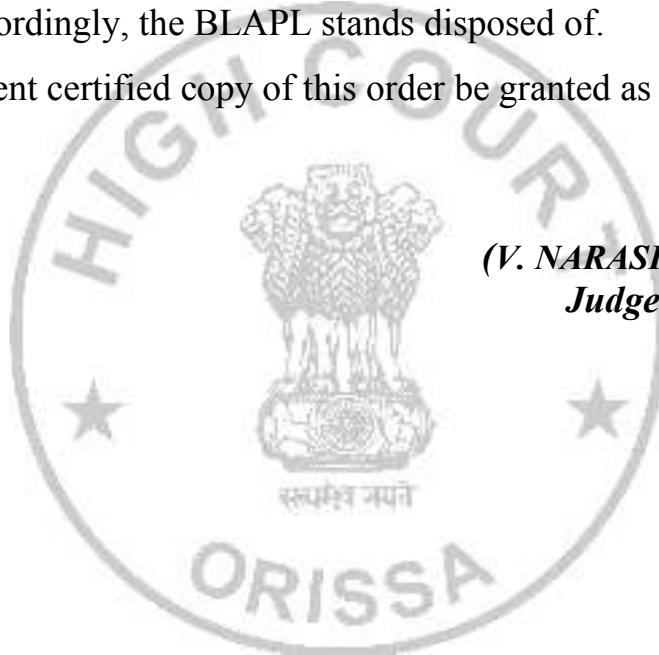
6. Perused the 164 Cr.P.C. statement of the victim.

7. It is submitted by the learned counsel for the petitioner that he is in custody since 01.10.2021 and trial has not commenced. Keeping in view the law laid down by the Apex Court in the case of ***Hussainara Khatoon & Ors vs. State of Bihar*** reported in (1980) 1 ***SCC 81***, this Court directs petitioner to 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. Urgent certified copy of this order be granted as per rule.

Santoshi



(V. NARASINGH)
Judge