

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 6282 of 2022**

***Subash Badi***

....

***Petitioner***

Mr. P.K. Nayak, Advocate

*-versus-*

***State of Odisha and another***

....

***Opposite Parties***

Mr. Karunakar Gaya, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**17.11.2022**

**Order No.**

**03.**

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 has been served on the informant/victim on 09.10.2022. There is no appearance on behalf of the informant/victim when the matter is called.
4. The petitioner is an accused in Spl. G.R. Case No.30 of 2021, pending in the file of learned A.D.J. Sessions-cum-Spl. Judge, Deogarh, arising out of Reamal P.S. Case No.197 of 2021, offence under Sections 376DA of IPC read with Section 4(2)/6 of POCSO Act.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions-cum-Spl. Judge, Deogarh by order dated 11.05.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted that the petitioner is in custody since 24.09.2021 and as the charge sheet has already been filed on 20.11.2021, further continuance of the petitioner in custody is not warranted.
7. Learned counsel for the State opposes the prayer for bail relying on the 164 Cr.P.C. statement of the victim.
8. Perused the 164 Cr.P.C. statement of the victim, aged about 12 years studying in Class-VII.
9. Considering the tenor thereof, this Court is not inclined to entertain this bail application at this stage. The same stands rejected.
10. It shall be open to the petitioner to renew his prayer after examination of the victim and the same shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.
11. Accordingly the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rules.

**(V. NARASINGH)**  
**Judge**