

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6504 of 2022

Kabu @ Kabuli Bhoi

....

Petitioner

Mr. M.B. Das, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.09.2022

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, learned counsel for the informant.
3. It is Mr. D.P. Mishra, learned counsel for the informant has filed Vakalatnama on 09.09.2022. Registry is requested to trace the same and tag with the file. Name of Mr. Mishra be reflected in the file as well as in the cause list and in the web portal of this Court.
4. The petitioner is an accused in Spl. G.R. Case No.56 of 2022, pending in the file of learned Additional Sessions Judge cum Special Court under the POCSO Act, Cuttack, arising out of Cuttack Sadar P.S. Case No.175 of 2022, under Section 363/365/376(3) of IPC read with Section 4 of the POCSO Act .
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge cum Special Court under the POCSO Act, Cuttack by order dated

05.07.2022 in the aforementioned case, the present BLAPL has been filed.

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

7. Taking into account that charge sheet has already been filed on 04.07.2022 and the petitioner is in custody since 18.06.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. It is submitted by the learned counsel for the informant that there is a threat perception from the sight of the accused and their family.

9. Taking note of the same, this Court directs that the petitioner shall appear before the jurisdictional police station once every week till the conclusion of the trial and shall not in any way try to contact or intimidate the victim or her family. In the event there is any violation by the petitioner, it shall be open to the informant to move this Court for cancellation of the bail so granted.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge