

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6535 of 2022

Ananda Kumar Digal @ Anand Kumar Digal

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

Opposite Party

Mr. Karunakar Gaya, 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.
3. The petitioner is an accused in C.T. Case No.377 of 2022, pending in the file of learned S.D.J.M., Phulbani, arising out of Phiringia P.S. Case No.89 of 2022, under Section 376(2)(n)/ 313/ 323/ 379/ 34 of the IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District and Sessions Judge-cum-Spl. Court under POCSO Act, Phulbani by order dated 06.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the 164 Cr.P.C. statement of the victim.
6. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 14.06.2022 and in the meanwhile

charge sheet has been filed on 02.08.2022, hence further continuance of the petitioner in custody is not warranted.

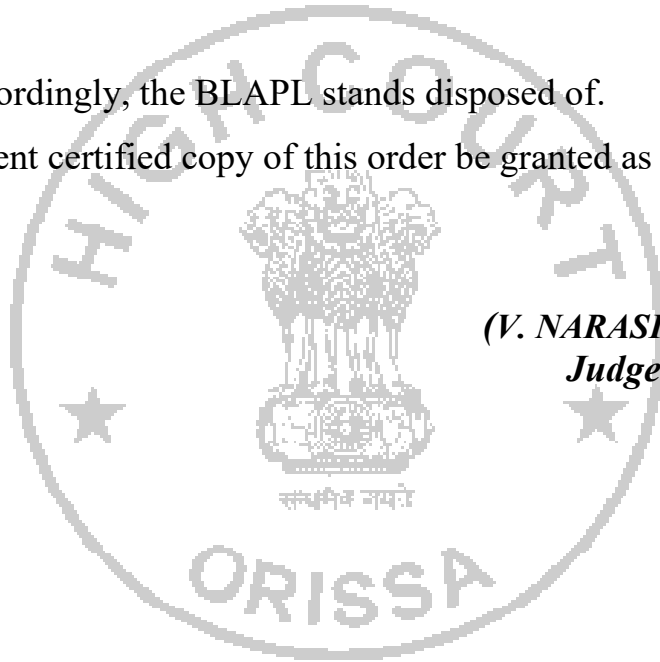
7. It is further submitted that though the FIR was filed inter alia under Section 313 of IPC, while submitting the charge sheet such Section has been omitted as no offence under Section 313 of IPC has been made out.

8. Keeping in view the nature of the statement and filing of charge sheet, 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi