

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6569 of 2022

Govinda Naik and another ***Petitioners***

Mr. S. Harichandan, Advocate

-versus-

State of Odisha and another ***Opposite Parties***

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
30.08.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners 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 petitioners are accused in Spl. G.R. Case No.49 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Cuttack, arising out of Markatnagar P.S. Case No.25 of 2022 under Sections 376(2)(n)/376(3) of the IPC read with Section 6 of the POCSO Act and is in custody since 05.07.2022.
5. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-Spl. Court under

POCSO Act, Cuttack by order dated 05.07.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the petitioner that since they are the parents of the principal accused their further continuance in custody is not warranted. In the meanwhile charge sheet has already been filed on 01.08.2022.

7. Learned counsel for the State opposes the prayer for bail.

8. Considering the role ascribed to the petitioners and taking into account that they are the parents of the principal accused, this Court directs petitioners 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.

Santoshi

(V. NARASINGH)
Judge