

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6748 of 2022

Chandramohan Majhi

....

Petitioner

Mr. R.N. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.09.2022

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.131 of 2021 pending in the file of learned Presiding Officer of Special Court under POCSO Act, Mayurbhanj, Baripada, arising out of Betnoty P.S. Case No.290 of 2021, offence under Sections 376 IPC read with Section 6 of POCSO Act subsequently turned to offences U/s. 376 IPC read with Section 4 of POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Presiding Officer of Special Court under POCSO Act, Mayurbhanj, Baripada by order dated 18.04.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that petitioner is in custody since 02.11.2021 and charge sheet has

already been filed in the meanwhile, hence further continuance in custody is not warranted.

6. It is further submitted that the allegation is an exaggerated one and in fact as the victim was willing partner and having been caught with the petitioner she has raised the Hallah for which, the petitioner is an young boy of 21 years is languishing in custody.

7. This Court had occasion to peruse the FIR and 164 Cr.P.C. statement, medical examination report and statement of the mother of the victim and other co-villagers.

8. On consideration of materials the accusation is that the victim was a willing partner is not borne out. Hence, this Court is not inclined to entertain this bail application at this stage.

9. It shall be open to the petitioner to move the learned Court in seisin over the matter after examination of the victim.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi