

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6749 of 2022

Dumar Bagh @ Suru

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.10.2022

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 the victim denied to receive the notice.
4. The petitioner is an accused in connection with T.R. Case No.122 of 2021, pending in the Court of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Nabarangpur arising out of Tentulikhunti P.S. Case No.174 of 2021, for alleged commission of offences under Sections 376(2)(n)/376(AB) of IPC and is in custody since 31.12.2021.
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 POCSO Act, Nabarangpur by order dated

04.07.2022 in the aforementioned case, the present BLAPL has been filed.

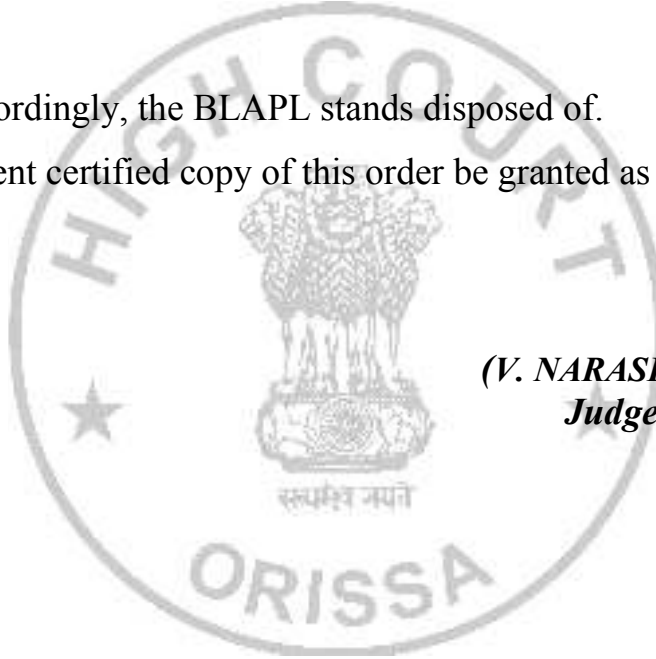
6. It is submitted by the learned counsel for the petitioner that in the meanwhile the victim had already been examined as P.W.2. The statement of the victim is taken on record.

7. Taking into account the statement thereof and the period of incarceration suffered by the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter so as to ensure his presence on each date of trial.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge



Santoshi