

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7017 of 2022

Bijay Kumar Kisan

....

Petitioner

Mr. K.A. Guru, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
12.08.2022

Order No.

01.

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 Spl. G.R. Case No.15 of 2022, on the files of learned Additional District & Sessions Judge-cum-Spl. Court (under POCSO Act) Sambalpur arising out of Mahulpali P.S. Case No.56 of 2022, under Sections 341/323/366/376(2)(n)/506/34 of IPC read with Section 6 of the POCSO Act and is in custody since 28.03.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Spl. Court (under POCSO Act), Sambalpur, by order dated 04.07.2022 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 even if the entire allegation is accepted by its face value no case under Section 376(2)(n) made out. Hence, since charge sheet has already been filed further continuance to the petitioner is not warranted.

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

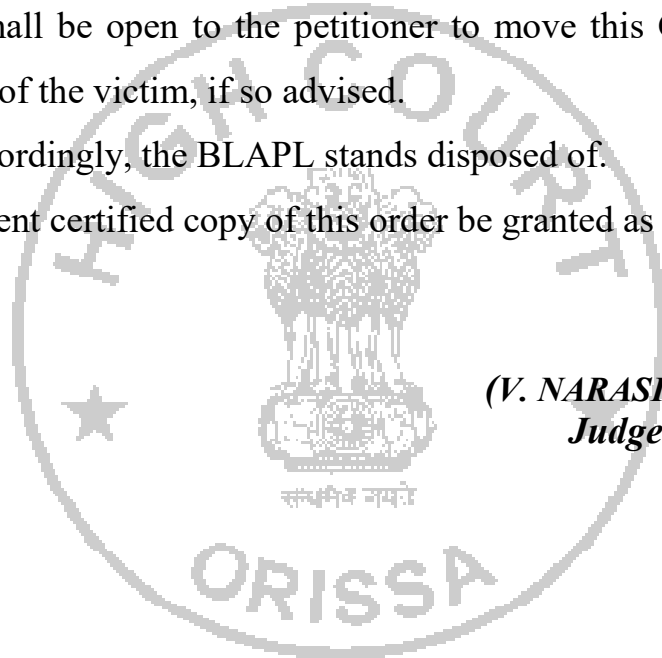
8. Perused the 164 Cr.P.C. statement of the victim and the medical examination report and considering the same this Court is not inclined to entertain this bail application at this stage.

9 It shall be open to the petitioner to move this Court after examination of the victim, if so advised.

10. Accordingly, the BLAPL stands disposed of.

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

Santoshi



(V. NARASINGH)
Judge