

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.7101 of 2022**

***Puspa Dhoja Kanhar***

....

***Petitioner***

Mr. S.K. Baral, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. P.K. Maharaj, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**17.10.2022**

**Order No.**

**03.**

1. This matter is taken up through hybrid mode.
2. In spite of service of notice on the victim/informant on 26.08.2022, none appears.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. The Petitioner is an accused in C.T. Case No.59 of 2021 pending in the file of learned Ad hoc Addl. District & Sessions Judge, (FTSC), Kandhamal, Phulbani, arising out of Tikabali P.S. Case No.63 of 2021, for commission of offence under Section 376(3) IPC and Section 4 of the POCSO Act and is in custody since 12.09.2021
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Ad hoc Adld. District & Sessions Judge, (FTSC), Kandhamal, Phulbani by order dated 12.05.2022 in the aforementioned case, the present BLAPL has been filed.

6. Perused the statement of the victim recorded under Section 164 Cr.P.C and the medical examination report, which is on record.

7. Considering the tenor thereof, 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.

8. It has been indicated in the report of the learned Ad hoc Addl. District & Sessions Judge, (FTSC), Kandhamal, Phulbani that trial of the matter has already commenced.

9. Keeping in view the commencement of the trial, it is additionally directed that one of the sureties shall be immediate family member of the Petitioner.

10. Accordingly, the BLAPL stands disposed of.

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

*PKS*

