

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7341 of 2022

Ulla Sahu

....

Petitioner

Mr. C.R. Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Ms. S. Jena, Advocate

(for Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
20.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
3. The petitioner is accused in Badabazar P.S. Case No.158 dt.28.06.2022 corresponding to G.R. Case No.96 of 2022, pending in the file of the learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur, for alleged commission of offences under Sections 376(2)(n)(f)/323/354(A)/354(D)/376(AB)(f) of IPC read with Section 4 & 12 of POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur, by order dated 23.07.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is an unfortunate case where the informant-mother of the two victim children aged about 9 and 12 years has filed an affidavit in this Court that she has no objection, if bail is granted to the accused.

6 This Court had occasion to peruse the statement of the victims aged about 9 and 12 years.

7. It is submitted by the learned counsel for the petitioner with vehemence that from the recitals in the F.I.R., it can be seen that the informant is not trustworthy and which is only amplified by her filing the affidavit which has been adverted to hereinbefore. It is the submission of the learned counsel for the petitioner that the petitioner is being falsely implicated.

8. Considering the nature of allegations and since the offence is against the society, disregarding the affidavit of the informant-mother, this Court is **not inclined** to entertain this bail application of the petitioner.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha