

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7461 of 2022

Shiba Sankar Naik @ Siba ***Petitioner***

Mr. S.S. Ray (2), Advocate

-versus-

State of Odisha & Another ***Opposite Parties***

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
01.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in G.R. Case No.110 of 2020, pending before the learned Adhoc Additional District & Sessions Judge (FTSC) under POCSO Act, Berhampur, arising out of Sadar P.S. Case No.357 of 2020, for commission of alleged offences under Sections 366/344/376(2)(n)/376(3)/305 of IPC read with Section 6 of POCSO Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Adhoc Additional District & Sessions Judge (FTSC) under POCSO Act, Berhampur, by order dated 27.07.2022 in the aforementioned case, the present BLAPL has been filed.
4. Notice is stated to have been served on 12.09.2022. There is no appearance on behalf of the informant/victim when the matter is called.

5. It is submitted by the learned counsel that the petitioner is in custody since 26.11.2020 and it is stated that in the meanwhile charge-sheet has been filed. Hence, further continuance of the petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that in the meanwhile trial has commenced and two of the witnesses have been examined.

7. Learned counsel for the petitioner places the statements of one Titu Nayak, who has been cited as charge-sheet witness No.4, he has categorically stated having come to know about his wife committing suicide, the present petitioner made an endeavor to save her.

8. The statement of one Karamani Gouda charge-sheeted witness No.9 indicates that at the relevant time, the petitioner was not present in the house.

9. This Court also perused the 164 Cr.P.C. statement of the father of the deceased Upendra Nayak.

10. On conspectus of materials on record, taking into account the nature of allegations and the social status of the petitioner and the age of the petitioner, this Court is persuaded to hold that his release will not affect the ongoing trial. Hence, 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.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha