

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7471 of 2022

Taleswar Mallick

....

Petitioner

Mr. Suryakanta Dwibedi, Advocate

-versus-

State of Odisha & another

....

Opposite Parties

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

29.09.2022

Order No.

- 03.**
1. This matter is taken up through hybrid mode.
 2. In spite of service of notice on the victim on 8.9.2022, 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.8 of 2022 pending in the file of learned Additional Sessions Judge-cum-Special Judge, (POCSO), Phulbani, arising out of Balliguda P.S. Case No.55 of 2022, for offence under Sections 363/366/376(3) of the IPC and Section 4(2) of the POCSO Act and is in custody since 08.03.2022.
 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 Judge, (POCSO), Phulbani by order dated 23.03.2022 in the aforementioned case, the present BLAPL has been filed.

6. Taking into account the tenor of the statement of the victim and that of the witness Sunil Mallick, this Court is not inclined to entertain this bail application at this stage.

7. It shall be open to the Petitioner to move an application for bail before the court below after examination of the victim, which shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS

