

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7599 of 2022

Kailash Das

....

Petitioner

Mr. B.K. Ghadei, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. B.K. Choudhury (for Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

22.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Learned counsel Mr. B.K. Choudhury, has entered appearance on behalf of the victim filing Vakalatnama. The same is taken on record along with an affidavit stating inter alia that due to misunderstanding the FIR was lodged against the accused who is the father in-law of the informant and grandfather of the victim.
4. The petitioner is an accused in Spl. G.R. Case No.74 of 2022 pending in the file of learned ADJ Cum POCSO Act, Cuttack, arising out of Jagatpur P.S. Case No.220 of 2022, offence under Sections 376(2)(n)/376(2)(f)/376-AB/506 of IPC and under Section 6 of the POCSO Act.
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 Court under POCSO Act, Cuttack by order dated

28.07.2022 in the aforementioned case, the present BLAPL has been filed.

6. Perused the 164 Cr.P.C. statement of the victim and also that of the informant and the medical examination report.

7. Notwithstanding the affidavit of the informant which is contrary to her 164 Cr.P.C. statement of the victim aged about 11 years and considering the medical examination report, this Court is constrained not to accept the version as stated in the affidavit. Considering the tender age of the victim, this Court is **not inclined** to entertain this bail application at this stage.

8. Accordingly, the BLAPL stands rejected.

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

(V. NARASINGH)
Judge

Santoshi

