

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7986 of 2022

Sunil Swain

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha & another

....

Opposite Parties

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.10.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. In spite of service of notice on the victim on 25.09.2022, none appears when the matter is called.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. The Petitioner is an accused in G.R. Case No.84 of 2022 pending in the file of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Berhampur, arising out of Purushottampur P.S. Case No.315 of 2022, for offence under Sections 341/354/307/294/506/376(3)/376(2)(n) IPC and Section 6/12 of the POCSO Act and is in custody since 10.06.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District Judge-cum- Special Court under POCSO Act, Berhampur by order dated 02.08.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the Petitioner that the victim has taken prevaricating stand regarding complicity of the Petitioner. The Petitioner is in custody since 10.06.2022 and the charge sheet having been filed on 31.07.2022, further continuance of the Petitioner in custody is unwarranted.

7. Perused the statement of the victim recorded under Section 164 Cr.P.C.

8. Considering the same and taking into account the period of custody of the Petitioner and filing of the charge sheet, 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.

9. To address the concern expressed by the learned counsel for the State regarding well being of the victim and her family members, it is directed that the Petitioner shall appear before the jurisdictional police station of the Court in seisin over the matter once every week till conclusion of the trial and the Petitioner shall not in any manner try to intimidate the victim and/or her family members. It shall be open to the victim to seek variance of the order in the event there is any violation.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

PKS