

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8017 of 2022

Kusta @ Krushna Naik

....

Petitioner

Mr. S.N. Mishra 4, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
06.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is accused in C.T. Case No.253 of 2022 arising out of Junagarh P.S. Case No.259 dt.08.06.2022, pending in the Court of learned J.M.F.C., Junagarh, for alleged commission of offences under Sections 366/376(2)(n)/294/506/344/34 of IPC.
4. Being aggrieved by the Rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Dharamgarh, by order dated 10.08.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the 164 Cr.P.C. statement of the victim.
6. It is submitted by the learned counsel for the petitioner that since charge-sheet has already been filed in the meanwhile, his further continuance in custody is unwarranted and it is further submitted that even if the entire allegation is accepted at its face

value, no case under Section 376(2)(n) and 366 of IPC apart from other Section is made out.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that there are witnesses who corroborate the allegations.

7. This Court had occasioned to peruse the statement of independent witnesses one Rameswar Pan and Nue Majhi and corroborate the allegation in material particulars.

8. Taking into account the nature of allegations and the 164 Cr.P.C. statement of the victim, this Court is **not inclined** to entertain this bail application at this stage.

9. It shall be open to the petitioner to move this Court after examination of the victim.

10. Accordingly, the BLAPL stands disposed of.

Ayesha

