

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8059 of 2022

Aman @ Amar Muthai

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha and other

....

Opposite Parties

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
28.09.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for the informant.
3. The petitioner is an accused in G.R. Case No.164 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Koraput at Jeypore, dist-Koraput, arising out of Semilliguda P.S. Case No.91 of 2022, alleged offence under Sections 376(2)(n)/376(3)/498-A/294/506/34 of IPC read with Section 4/6 of the POCSO Act, Section 4 of the D.P. Act and Section 66E of I.T. Act.
4. 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, Koraput at Jeypore by order dated 08.08.2022 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 the petitioner is in custody since 15.06.2022 and in the meanwhile as charge sheet has already been filed; hence further continuance of the petitioner in custody is not warranted.

7. Learned counsel for the State as well as the informant relying on the 164 Cr.P.C. statement of the victim submit that the same clearly states that the kind of torture meted out to her.

8. Considering filing of charge sheet and the period of custody, 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. Taking into account the concern expressed by the learned counsel for the informant, this Court directs the I.O. to ensure that the petitioner does not in any way threaten the informant or her family member or try to contact them.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi