

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8063 of 2022

Pradip Thapa

....

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

15.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the State on instruction submits that notice has been served on the informant/victim on 16.09.2022. There is no appearance on behalf of the informant/victim when the matter is called.

3. The petitioner is an accused in C.T. Case No.20 of 2022, pending in the file of learned ADJ-cum-Special Court under POCSO Act, Bargarh, arising out of Bheden P.S. Case No.123 of 2022, for commission of alleged offences under Sections 376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act and is in custody since 23.04.2022.

4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Court under POCSO Act, Bargarh by order dated 28.06.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted that the petitioner is in custody since 23.04.2022.

6. Learned counsel for the petitioner places on record the statement of the victim P.W.1.

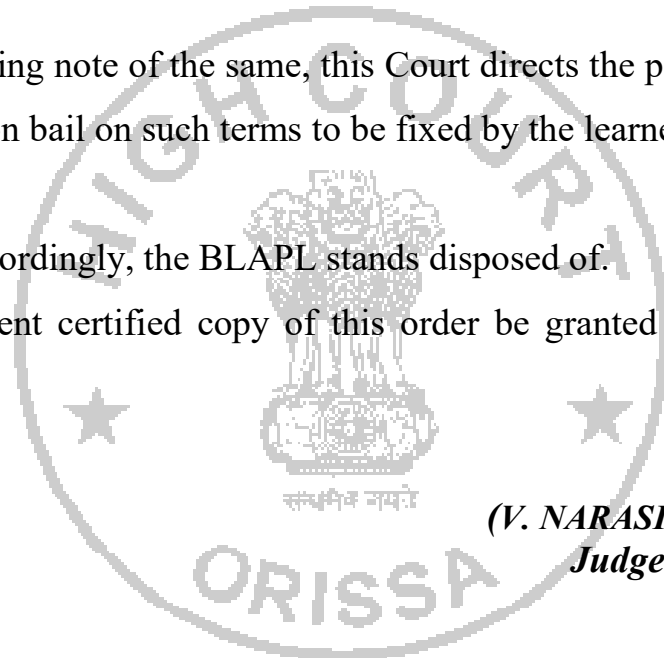
7. On perusal of the same, it is seen that she has resiled from her statement. The father and the sister of the victim have been examined as P.Ws.2 and 5. They have also not supported the prosecution.

8. Photostat copy of statements of P.Ws.1,2 and 5 are taken on record.

9. Taking note of the same, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

10. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi