

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8222 of 2022

Anil Mallick & Others

....

Petitioners

Mr. J. Bhuyan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Mr. J.R. Deo & Associates, Advocate

(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.
3. Learned counsel Mr. J.R. Deo & Associates have entered appearance on behalf of the informant/victim. Vakalatnama filed on behalf of the informant/victim is taken on record. Name of Mr. J.R. Deo & Associates be reflected in the file, in the cause list as well as in the CMS of this Court.
4. The petitioners are accused in connection with C.T. Case No.46 of 2022, pending in the Court of the learned Additional District & Sessions Judge-cum-Special Court, Phulbani, arising out of Phulbani Sadar P.S. Case No.107 of 2022, for alleged commission of offences under Sections 143/147/341/323/294/354/354-A/149 of IPC read with Section 12 of POCSO Act.

4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Judge (POCSO), Phulbani, by order dated 17.08.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioners that the petitioners are in custody since 23.07.2022 and since charge-sheet has already been filed on 19.09.2022, further continuance of the petitioners in custody is unwarranted.

6. It is further submitted by the learned counsel for the petitioners that while filing of charge-sheet the petitioners have been implicated under Sections 143/147/341/323/294/354/354-A/149 of IPC read with Section 12 of POCSO Act.

7. Learned counsel for the State and informant oppose the prayer for bail relying on the statement of witnesses Biswamitra Mallick and Bindumati and also submitted that there are clear materials on record to indicate that since the deceased was shamed, she had no other alternative but to end her life.

8. Taking into account the period of custody and filing of charge-sheet and the nature of allegations and the basis of implication, this Court directs the petitioners to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha