

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8443 of 2022

Sanjit Mallik

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

Mr. B.K. Nayak, Advocate

(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
10.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
3. The petitioner is an accused in connection with C.T. Spl. (POCSO) Case No.36 of 2022, pending before the learned Additional District & Sessions Judge-cum-Special Court under POCSO Act, Jajpur, arising out of Binjharpur P.S. Case No.285 of 2022, for alleged commission of offences under Sections 448/323/354/354-A/294/336/307/34 of IPC read with Section 8 of the POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Judge (POCSO), Jajpur, by order dated

24.08.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that even if the entire allegation is accepted at its face value, as the petitioner is in custody since 16.07.2022 and charge-sheet has been filed on 30.07.2022, further continuance of the petitioner in custody is unwarranted.

6. It is submitted that though charge-sheet has been filed under Section 307 of IPC, the injuries being simple it ought not to weigh with the Court while considering the bail application of the petitioner.

7. Perused the 164 Cr.P.C. statement of the victim who is aged about 13 years.

8. Considering the tenor thereof, this Court is **not inclined** to entertain this bail application.

9. It shall be open to the petitioner to move for bail after examination of the victim. The same shall be considered by the learned Court in seisin over the matter on its own merits without being influenced by the earlier order or order passed by this Court.

10. Taking into account the peculiar nature of allegations, the learned counsel for the informant undertakes to cooperate in the trial.

11. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha