

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8689 of 2022

Rahul Deep & another

....

Petitioners

Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.12.2022

Order No.

02.

1. It is submitted by the learned counsel for the State, on instruction, that the notice has been served on the victim/informant on 09.10.2022. In spite of service of notice, no one appears on behalf of the victim/informant.

2. Heard learned counsel for the Petitioners and learned counsel for the State.

3. The Petitioners accused in C.T. Case No.83/27 of 2021 pending on the file of learned Special Judge-cum-District & Sessions Judge, Bhawanipatna, arising out of Dharmagarh P.S. Case No.37 of 2021, for commission of offence under Sections 363/366/376(3) IPC and Section 4 of the POCSO Act.

4. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C by the learned Ad hoc Addl. District & Sessions Judge, (FTSC) Kalahandi, Bhawanipatna by order dated 11.08.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the Petitioners are in custody since 12.03.2021 and as charge sheet has been filed on 30.04.2021, their further continuance in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail.

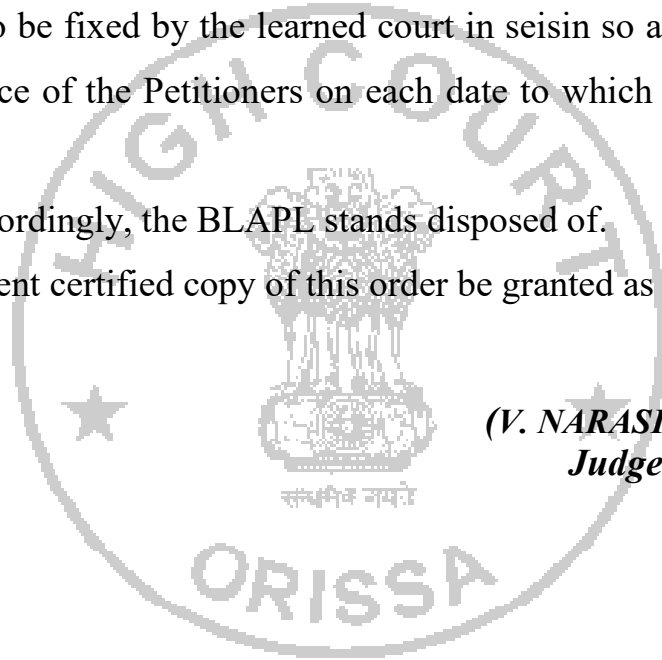
7. Perused the statement of the victim recorded under Section 164 Cr.P.C.

8. Considering the tenor thereof and filing of the charge sheet, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned court in seisin so as to ensure the appearance of the Petitioners on each date to which the case is posted.

9. Accordingly, the BLAPL stands disposed of.

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

PKS



(V. NARASINGH)
Judge