

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8700 of 2022

Eliya Nayak

....

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

09.12.2022

Order No.

03.

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

2. The petitioner is an accused in C.T. Case No.42 of 2022, pending before the learned Additional District & Sessions Judge-cum-Special Judge, POCSO, Phubani, arising out of Belghar P.S. Case No.30 of 2022, for commission of alleged offences under Sections 363/366/376(2)(n)/376(3)/34 of IPC read with Sections 6(1)/17 of POCSO Act.

3. 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, under POCSO Act, Phubani, by order dated 22.07.2022 in the aforementioned case, the present BLAPL has been filed.

4. Learned counsel for the State on instruction submits that the victim was not available at the given address and the complainant (father) refused to accept the notice.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 17.07.2022 and since charge-sheet has

been filed on 27.07.2022, further continuance of the petitioner in custody is unwarranted.

6. Perused the 164 Cr.P.C. statement of the victim.

7. Considering the tenor thereof, 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.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha

