

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8840 of 2022

Hrusikesh Thapa @ Amjat
Thapa

Petitioner

Mr. Debi Prasad Dhal, Senior Advocate

-versus-

State of Odisha & another

Opposite Parties

Mr. A. Pradhan, ASC

Mr. A.K. Pandey, Informant

CORAM: JUSTICE V. NARASINGH

ORDER

13.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Mr. Debi Prasad Dhal, learned Senior Advocate has filed an appearance memo in Court today. The same be kept on record.
3. Mr. A.K. Pandey and associates stated to have appeared on behalf of the Informant by filing vakalatanama yesterday. The same be traced and tagged with the record. The name of Mr. Pandey and associates be reflected in the cause list, file and CMS.
4. Heard learned Senior Advocate for the Petitioner, learned counsel for the Informant and the learned counsel for the State.
5. The Petitioner is an accused in Special G.R. Case No.3 of 2022 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Sonapur, arising out of Rampur P.S Case No.37 of 2022, for commission of offence under Sections 376(3)/450/354(D)

IPC and Section 4(2) of the POCSO Act and is in custody since 18.04.2022.

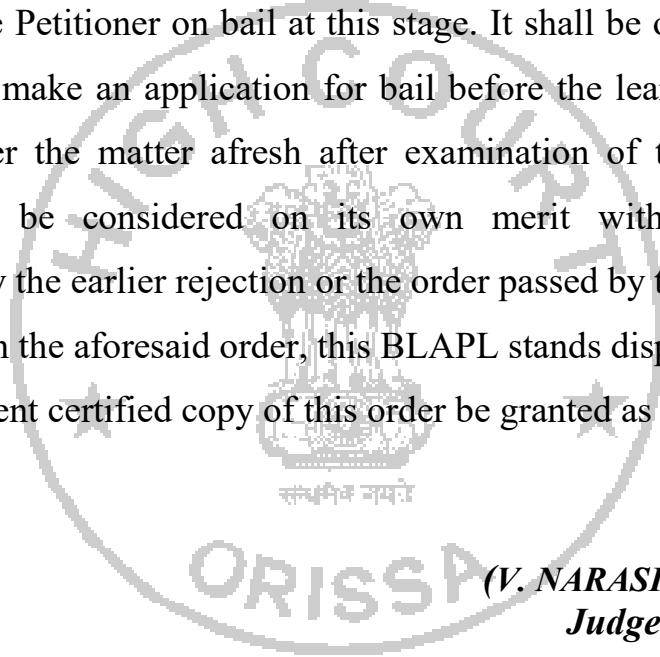
6. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Children's Court, Sonapur by order dated 29.04.2022 in the aforementioned case, the present BLAPL has been filed.

7. Perused the statement of the victim recorded under Section 164 Cr.P.C and that of her sister.

8. Considering the tenor thereof, this Court is not persuaded to release the Petitioner on bail at this stage. It shall be open to the Petitioner to make an application for bail before the learned Court in seisin over the matter afresh after examination of the victim, which shall be considered on its own merit without being influenced by the earlier rejection or the order passed by this Court.

9. With the aforesaid order, this BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

PKS