

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8844 of 2022

Jatia @ Suroj @ Suratha Jena ***Petitioner***

Mr. J.K. Majhi, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

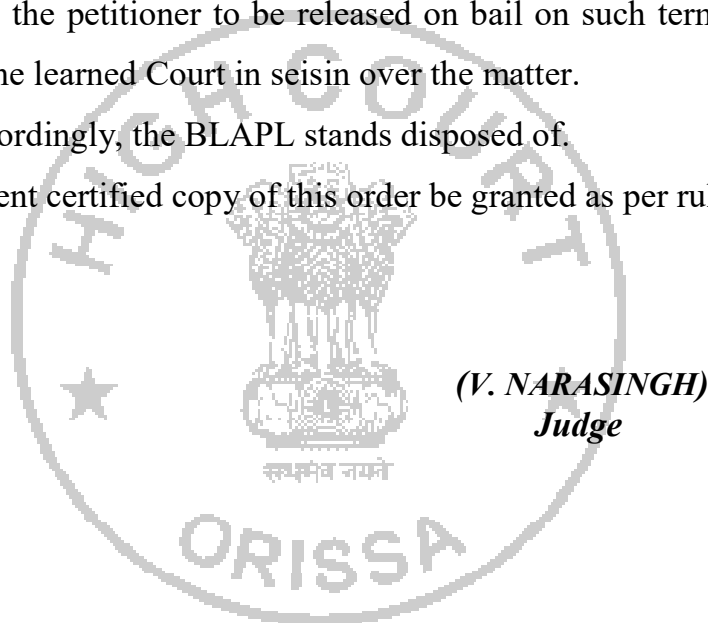
04.11.2022

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The victim has appeared through video conference being produced by I.O. On being asked, the victim has objected to release of the petitioner bail.
4. The petitioner is an accused in Spl. Case No.201 of 2022, pending in the file of learned Special Judge, POCSO, Balasore arising out of Sahadevkhunta P.S. Case No.226 of 2022, for alleged commission of offence under Sections 363/ 294/ 509/ 366/ 366(A)/376(2)(n)/373(3)/323/506/34 of IPC read with 6 of POCSO Act and is in custody since 10.08.2022.
5. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-Spl. Court under POCSO Act, Balasore by order dated 23.08.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 10.08.2022 and charge sheet has been filed on 13.10.2022, further continuance of the petitioner in custody is not warranted.
7. Perused the 164 Cr.P.C. statement of the victim and medical examination report and the statement of her father Kamal Lochan Samanstaray.
8. Taking into account the materials on record and considering the period of custody and filing of charge sheet, 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.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rules.



Santoshi