

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7945 of 2021

Nrusiha Majhi

.... ***Petitioner***
M/s. S.Panda, Advocate

-versus-

State of Orissa & another

.... ***Opp. Parties***
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

07.09.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Chandahandi P.S. Case No.61 of 2021 corresponding to T.R. Case No.51 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Nabarangpur for commission of offence punishable U/Ss. 363/366/376(2)(n)/376(3) of the I.P.C. read with Section 6 of the POCSO Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside judicial custody since 23.05.2021 and in the meanwhile, charge sheet has already been submitted and there is nothing on record to implicate the present petitioner in this case. On these grounds learned counsel for the petitioner prays to enlarge the petitioner on bail.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner by placing the statement of the victim recorded under Section 164 Cr.P.C. submits that the victim is aged about 13 years at the time of commission of crime and the allegations levelled against the petitioner is serious and the petitioner having prima facie involved in a case aggravated penetrative sexual assault of the victim should not be enlarged on bail.

5. Considering the nature and gravity of allegations, especially the severity of accusations levelled against the petitioner and taking into consideration the age of the victim and the seriousness of the allegation against the petitioner for committing aggravated penetrative sexual assault upon the victim stated to be aged about 13 years, this Court is not inclined to grant bail to the petitioner. Hence the prayer for bail of the petitioner stands refused.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

