

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9063 of 2022

Bachan Pani

....

Petitioner

Mr. P. Panigrahi, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Learned counsel for the State on instructions submits that notice has been served on the informant/victim on 20.10.2022. There is no appearance on behalf of the informant/victim when the matter is called.
4. The petitioner is an accused in T.R. Case No.22 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Rayagada arising out of Chandrapur P.S. Case No.54 of 2022, for alleged commission of offence under Sections 341/363/376(2)(n)/376(3)/506 of IPC and is in custody since 18.05.2022.
5. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Rayagada by order dated

06.09.2022 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 18.05.2022 and as charge sheet has already been filed on 18.07.2022, further continuance of the petitioner in custody is unwarranted.

7. Perused the 164 Cr.P.C. statement of the victim and the medical examination report which indicates that there are external injuries on the victim who is aged about 12 years.

8. Taking into account the tenor of such statement and the medical examination report, this Court is **not inclined** to entertain this bail application at this stage.

9. It shall be open to the petitioner to move the learned Court in seisin over the matter after examination of the victim and same shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi