

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9268 of 2022

Sandip Naik

....

Petitioner

Mr. A.K. Nath, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

04.

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

2. The Petitioner is an accused in C.T. Special (P) Case No.03 of 2022 pending on the file of learned A.D.J.-cum-Special Court under POCSO Act, Dhenkanal, arising out of Parjanga P.S. Case No.24 of 2022, for commission of the offence alleged under Sections 363/366-A/376/506/120-B/34 IPC and Section 6 of the POCSO Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Court under POCSO Act, Dhenkanal by order dated 14.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that earlier the Petitioner was arrayed as an accused at the instance of the Informant and Parjanga P.S. Case No.128 of 2021 dated 06.04.2021

relating to the occurrence dated 05.04.2021 was registered and in the said case, the Petitioner was released on bail by the learned Court in seisin. Subsequently by virtue of ICC Case No.03 of 2011 relating to the self-same incident Parjanga P.S. Case No.24 dated 13.01.2022 under Sections 363/366-A/376/506/120-B/34 IPC and Section 6 of the POCSO Act has been registered.

5. It is stated that for the self-same occurrence dated 05.04.2021 in respect of which the FIR was earlier registered under Sections 363/34 IPC but subsequently other Sections including POCSO Act has been added on extraneous consideration and somehow to ensure that the Petitioner is confined to custody.

6. Learned counsel for the State opposes the prayer for bail.

7. After perusal of the statement of the victim recorded under Section 164 Cr.P.C and the background in which the accusation has been made, 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. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS