

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.9329 of 2022**

***Sujit Kumar Jena***

....

***Petitioner***

Mr. S.K. Dash, 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 the accused in connection with S.T. Case No.42 of 2022, pending on the file of learned Addl. Sessions Judge, Anandapur, arising out of Ramachandrapur P.S. Case No.148 of 2022 for the alleged commission of offence under Sections 341/427/307 IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. Sessions Judge, Anandapur by order dated 15.09.2022, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 11.07.2022 and as charge sheet has been filed on 26.08.2022, his further continuance in custody is not warranted.
5. Learned counsel for the State in terms of the order dated 05.12.2022 was called upon to obtain instruction regarding well being of the victim, a child aged about 11 years.

6. On instruction, learned counsel for the State submits that the child has not fully recovered and his condition is not well.

7. Taking into account the submission at the Bar and the manner in which the child aged about 11 years was assaulted by the Petitioner, this Court is not inclined to release the Petitioner on bail at this stage.

8. Accordingly, BLAPL stands rejected.

9. It shall be open to the Petitioner to move the learned Court in seisin afresh, which shall be considered on its own merit.

**(V. NARASINGH)**  
**Judge**

**PKS**

