

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

**BLAPL No. 9353 of 2022**

***SK. Sarfraz @ Sonu***

....

***Petitioner***

Mr. A.R. Panda, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. A. Pradhan, ASC

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**25.11.2022**

**Order No.**

**04.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in Special Case No.200 of 2022, pending in the file of learned Additional District Judge-cum-Special Judge, POCSO Act, Balasore, arising out of Sahadevkhunta P.S. Case No.7 of 2022, for commission of alleged offences under Sections 363/366/376(3)/376(2)(n) of the IPC read with Section 6 of POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-Spl. Court under POCSO Act, Balasore by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the State on instructions submits that on local enquiry, it has come to the fore that the victim and her

family are not residing in their given address and have left for Bihar to earn their livelihood. In such peculiar circumstances, this Court proceeds to consider the bail application on the basis of materials on record.

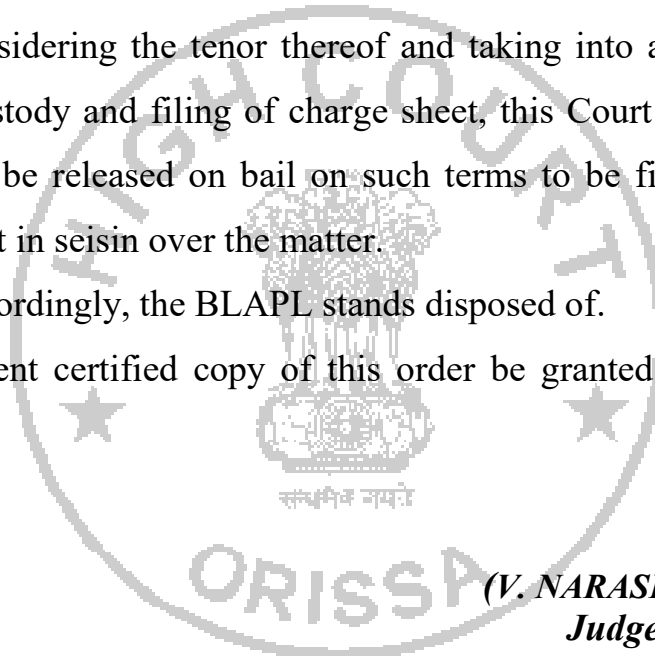
6. It is submitted by the learned counsel that the petitioner is in custody since 08.08.2022 and as charge sheet has already been filed on 30.10.2022, further continuance of the petitioner in custody is not warranted.

7. Perused the 164 Cr.P.C. statement of the victim.

8. Considering the tenor thereof and taking into account 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 the rules.



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