

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9363 of 2022

Nabaghana Majhi

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

11.10.2022

Order No.

01.

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 connection with C.T. (Spl.) Case No.34 of 2021, pending on the file of learned A.D.J.-cum-Special Court (POCSO), Jharsuguda, arising out of Laikera P.S. Case No.78 of 2021, for commission of offences under Section 376(2)(n) of IPC and Section 6 of the POCSO Act.
4. 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 (POCSO), Jharsuguda, by order dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the 164 Cr.P.C. statement of the victim.
6. It is submitted by the learned counsel for the petitioner that though the alleged occurrence took place in 2017, the F.I.R. was lodged in the year 2021 with ulterior motive and it's a case of false

implication and as charge-sheet has already been filed, further continuance of the petitioner in custody is unwarranted.

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

8. Considering the tenor thereof and that charge-sheet has already been filed, 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 rule.

Ayesha



(V. NARASINGH)
Judge