

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9381 of 2022

Akash @ Padmanav Majhi ***Petitioner***

Mr. M.K. Chand, Advocate

-versus-

State of Odisha and another ***Opposite Parties***

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.11.2022

Order No.

02.

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 instruction submits that notice has been served on the informant/victim on 01.10.2022. There is no appearance on behalf of the informant/victim.
4. The petitioner is an accused in C.T. Case No.33 of 2022(POCSO), pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna, arising out of Kesinga P.S. Case No.136 of 2022, for alleged commission of offence under Sections 376(2)/376(3)/341/323 of IPC and section 4 of POCSO Act.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Adhoc Additional District & Sessions Judge, (Fast Track Special Court), Kalahandi,

Bhawanipatna by order dated 14.09.2022 in the aforementioned case, the present BLAPL has been filed.

6. Perused the 164 Cr.P.C. statement of the victim, aged about 10 years.

7. Considering the tenor thereof, this Court is not inclined to entertain this bail application at this stage.

8. It shall be open to the petitioner to renew his prayer before the learned Court in seisin 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.

9. Since the petitioner is in custody since 24.03.2022 the learned Court in seisin is called upon to conclude the trial within a period of four months from the date of receipt/production of copy of this order.

10. It shall be open to the petitioner to renew his prayer in the event the trial is not concluded within the time stipulated.

11. Registry is requested to communicate with this order.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi