

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9386 of 2022

***Kailash Mallick @ Kailash Ch.
Mallick***

Petitioner

Mr. Abhimanyu Parida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K Gaya, ASC

Mr. A.K. Sahoo, Advocate

CORAM: JUSTICE V. NARASINGH

**ORDER
12.10.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Mr. A.K. Sahoo, learned counsel has entered appearance on behalf of the father of the Informant by filing vakalatanama in Court today. The same be kept on record. The name of Mr. Sahoo, learned counsel be reflected in the cause list, file and CMS.
3. An affidavit has also been filed by the father of the Informant stating therein that his daughter will appear in the Board Examination next year. Therefore, he does not want to proceed with the case. It is also stated that the Petitioner has returned the ornaments and the case taken by his daughter and on the intervention of the well-wishers, the matter has been settled.
4. In view of the stipulations in the POCSO Act and considering the age of the victim, the plea of the father of the Informant not to proceed with the case cannot be taken into account by this Court.

5. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
6. The Petitioner is an accused in Special G.R. Case No.100 of 2022 pending in the file of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Cuttack, arising out of Badambadi P.S Case No.194 of 2022, for offence under Sections 354-A/354-D/386/294 IPC and Section 7 of the POCSO Act and is in custody since 01.08.2022.
7. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District Judge-cum-Special Court under POCSO Act, Cuttack by order dated 01.09.2022 in the aforementioned case, the present BLAPL has been filed.
8. Perused the statement of the victim recorded under Section 164 Cr.P.C.
9. Considering that the accused Petitioner has already returned the ornaments and cash, as stated by the father of the Informant, 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.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS