

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9391 of 2022

***Abhaya Kumar Bag @ Abhaya
Kumar @Aya Bag @ Abhaya
Gopal***

Petitioner

Mr. U. Barik, Advocate

-versus-

State of Odisha

Opposite Party

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. The petitioner is an accused in C.T. Case No.61 of 2022 (POCSO) pending on the file of learned Additional Sessions Judge-cum-Special Court, under POCSO Act, Bhawanipatna, arising out of Dharmagarh P.S. Case No.126 of 2022, for alleged commission of offences under Section 363/366/376(2)(n)/376(3)/323/294 of IPC read with Section 6 of the POCSO Act and is in custody since 28.05.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Spl. Court under POCSO Act, Bhawanipatna by order dated 25.08.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the petitioner that petitioner is in custody since 28.05.2022 and as charge sheet has already been filed on 25.07.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that 164 Cr.P.C. statement of the victim clearly corroborates the allegations. Hence, petitioner ought not to be released on bail merely because charge sheet has been filed.

7. Considering the period of custody and filing of charge sheet and keeping in view his age, 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.

8. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi