

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9453 of 2022

Prasanta Kumr Malik

....

Petitioner

Mr. B. Mahapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.11.2022

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 instructions submits that notice has been served on the informant/victim on 21.10.2022. There is no appearance on behalf of the informant/victim when the matter is called.
4. The petitioner is an accused in Spl. (POCSO) Case No.63 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Bhadrak, arising out of Basudebpur P.S Case No.330 of 2022 for commission of alleged offences under Sections 363/366/376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act and is in custody since 13.08.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District and Sessions Judge-cum-Special Court under POCSO Act, Bhadrak by order

dated 20.09.2022 in the aforementioned case, the present BLAPL has been filed.

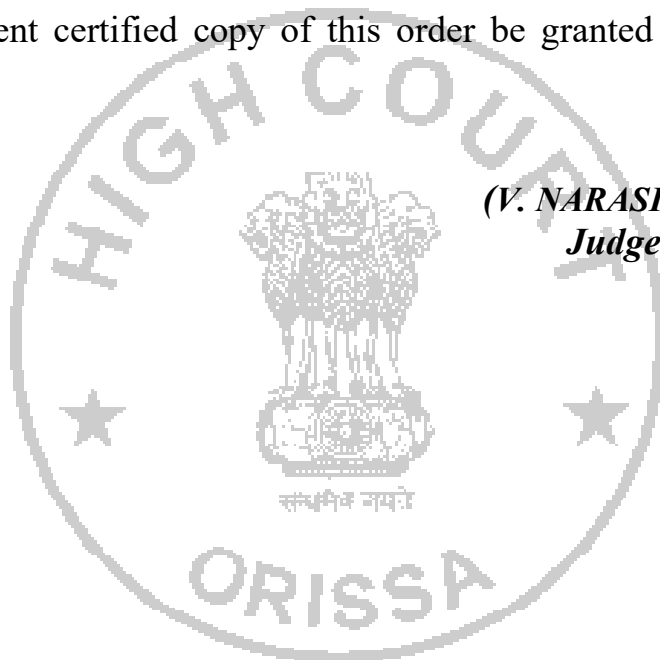
6. Perused the 164 Cr.P.C. statement of the victim.

7. Considering the tenor thereof and taking into account period of custody and that charge sheet has already been filed on 02.10.2022, 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 the rules.

(V. NARASINGH)
Judge



Santoshi