

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9523 of 2022

Sagar Mallik @ Malik

....

Petitioner

Mr. U.R. Jena , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. M. Dalai, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

21.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
2. The petitioner is an accused in connection with C.T. Spl. (POCSO) Case No.80 of 2022, pending in the Court of the learned Additional District and Sessions Judge-cum-Special Court under POCSO Act, Jajpur arising out of Binjharpur P.S. Case No.218 of 2022, for commission of alleged offences under Sections 363/366/376(2)(n)/109 of IPC and under Section 6 of POCSO Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Court under POCSO Act, Jajpur by order dated 23.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. Learned counsel for the informant places on record the order passed by Division Bench of this Court dated 02.12.2022 in

W.P.(Crl.) No.167 of 2022. Paragraph 4 of the order which is relevant for the case at hand is quoted hereunder;

“But when the son of the Opposite Parties No.5 and 6 was in the custody, she was again kidnapped allegedly by Opposite Parties No.5 and 6. This time, she is traceless. The police is sitting idle.”

5. Learned counsel for the informant who is the petitioner in W.P.(Crl.) No.167 of 2022 on instruction submits that the victim is not yet traceable.

6. Considering the same, this Court is not inclined to entertain this bail application. The same accordingly stands rejected.

7. Liberty is granted to the petitioner to renew his prayer before the learned Court in seisin after rescue of the victim.

(V. NARASINGH)
Judge

Santoshi