

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9561 of 2022

Sibu @ Prasanjit Mandal

Petitioner

Mr. S. Behera, Advocate

-versus-

State of Odisha

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.11.2022

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 already been served on the informant/victim on 24.10.2022. It was indicated on the said notice that the matter shall be taken up on today (22.11.2022). There is no appearance on behalf of the informant/victim when the matter is called.
4. The petitioner is an accused in Spl. G.R. Case No.62 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Cuttack, arising out of Markatnagar P.S. Case No.76 of 2022, for commission of alleged offences under Sections 363/376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Cuttack by order dated

15.07.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 14.05.2022 and as charge sheet has already been filed on 05.07.2022, further continuance of the petitioner in custody is not warranted.

7. Learned counsel for the State opposes the prayer for bail.

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

9. Considering the tenor thereof and taking into account filing of charge sheet and period of custody, 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

Santoshi