

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9573 of 2022

Rabindra Sahoo

....

Petitioner

Mr. P.K. Sahoo , Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

Mr. G.N. Parida, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2022

Order No.

05.

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 Special G.R. Case No.132 of 2022, pending in the file of learned Additional District Judge-cum-P.O., Spl. Court under POCSO Act, Sundargarh, arising out of Talsara P.S. Case No.135 of 2022, for alleged commission of offence under Sections 363/376(D)/506 of IPC read with Section 6 of the POCSO Act/3(2)(v)(va) of ST/SC (PoA) Act and is in custody since 18.08.2022.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District Judge-cum-P.O., Spl. Court under POCSO Act, Sundargarh by order dated 16.09.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioner is in custody since 18.08.2022 and charge sheet has already been filed on 03.11.2022.

5. Learned counsel for the petitioner submits that it is a case of false implication and to fortify his stand, it is stated that though the occurrence is stated to have taken place on 16.03.2022 the FIR has been lodged on 11.07.2022.

6. It is also submitted by the learned counsel for the petitioner relying on the statement of the victim during the medical examination that she has not implicated the present petitioner and the principal accused is a JCC, who is not before this Court.

7. Learned counsel for the State as well as the informant oppose the prayer for bail.

8. It is submitted inter alia that discrepancies which have been stated by the learned counsel for the petitioner are to be considered matters during trial and at the stage of consideration of bail, they cannot be evaluated.

9. This Court perused the statement of the victim and the medical examination report and the other materials on record.

10. On a conspectus of materials on record, this Court is persuaded to hold that keeping in view the nature of materials qua the petitioner, his further continuance in custody is not warranted.

11. Hence, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge