

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9657 of 2022

Rabindra Das

....

Petitioner

Mr. M. Muduli, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. S.N. Mohanty, Advocate

(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2022

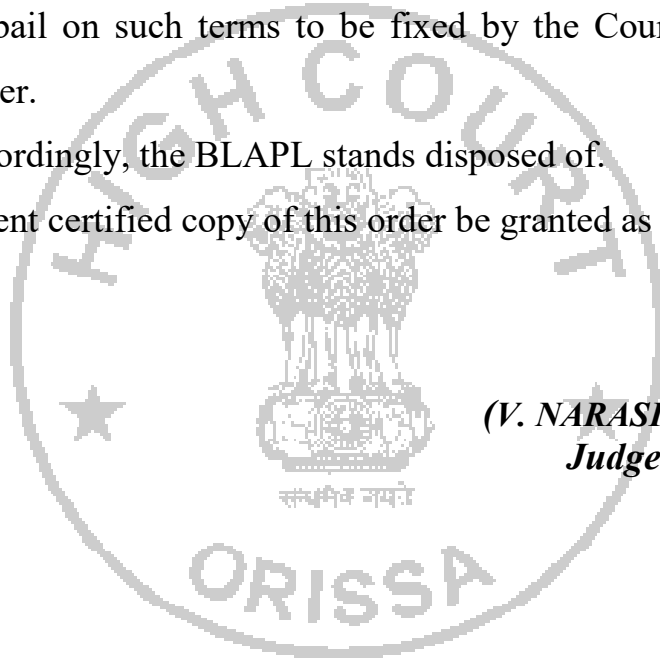
Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
3. The petitioner is accused in connection with Spl. G.R. Case No.106 of 2022, pending in the Court of the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Cuttack, arising out of Athagarh P.S. Case No.083 of 2022, for alleged commission of offences under Section 363/366/376(2)(n) of IPC read with Section 6 of POCSO Act.
4. 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 26.09.2022 in the aforementioned case, the present BLAPL has been filed.

5. Learned counsel for the informant/father has filed an affidavit indicating inter alia that because of misunderstanding, the case has been instituted.
6. Taking into account the rigors of law as prescribed under POCSO Act, this Court ignores such affidavit.
7. Perused the 164 Cr.P.C. statement of the victim.
8. Considering the tenor thereof and taking into account that the petitioner is in custody since 26.07.2022 and that charge-sheet has been filed on 29.09.2022, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rule.

Ayesha



(V. NARASINGH)
Judge