

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9659 of 2022

Makhan @ Makhan Rekual

Petitioner

Mr. M. Muduli, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.11.2022

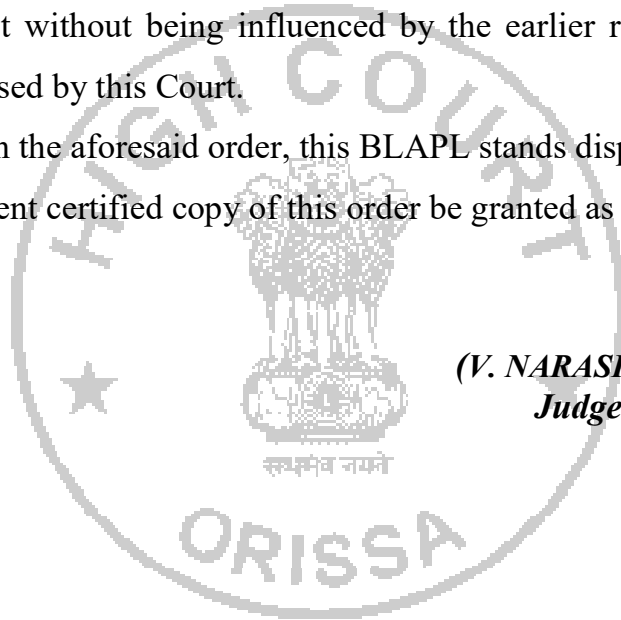
Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and the learned counsel for the State.
3. The Petitioner is an accused in Special G.R. Case No.70 of 2022 pending on the file of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Cuttack, arising out of Mahila P.S. Case No.64 of 2022 for commission of offence under Section 370-A(1)/376(3)/34 IPC and Sections 6/17 of the POCSO Act and Sections 9/6 of the Child Marriage Restraint Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-Special Court under POCSO Act, Cuttack by order dated 26.09.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the Petitioner is in custody since 24.05.2022 and as charge sheet has been filed on 22.07.2022, his further continuance in custody is not warranted.
6. Learned counsel for the State opposes the prayer for bail.
7. Perused the 164 Cr.P.C. statement.
8. Considering the tenor thereof, this Court is not persuaded to consider the bail application at this stage.
9. It shall be open to the Petitioner to renew his prayer for bail after examination of the victim, which shall be considered on its own merit without being influenced by the earlier rejection or the order passed by this Court.
10. With the aforesaid order, this BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

PKS



(V. NARASINGH)
Judge