

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9681 of 2022

K. Santosh Kumar Patro

....

Petitioner

Mr. S.P. Das, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.12.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the State on instruction submits that notice has been served on the informant/victim on 23.11.2022. There is no appearance on behalf of the informant/victim when the matter is called.

3. The petitioner is an accused in G.R. Case No.78 of 2022, pending in the file of learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur, arising out of Baidyanathpur P.S. Case No.147 of 2022, for commission of alleged offences under Sections 366/376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act and is in custody since 27.05.2022.

4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur by order dated 26.07.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted that the petitioner is in custody since 27.05.2022 and as charge sheet has already been filed on 22.07.2022, further continuance of the petitioner in custody is not warranted.

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

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

8. Considering the tenor thereof and 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.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi

