

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9699 of 2022

Kuna @ Rakesh Das

....

Petitioner

Mr. R. Panda, Advocate

-versus-

State of Odisha & another

....

Opposite Parties

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
24.11.2022

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. The Petitioner is an accused in Special Case No.243 of 2022 pending on the file of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Balasore, arising out of Singla P.S. Case No.67 of 2019, for commission of offence under Sections 363/366/376(2)(n)/34 IPC and Section 6 of the POCSO 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, Balasore by order dated 23.09.2022 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 20.09.2022 and it is submitted, on instruction, that the victim had left with him out of her own volition and in fact they

are blessed with a girl child on 29.02.2020. The birth certificate of the child is on record.

6. Learned counsel for the State opposes the prayer for bail.
7. Perused the statement of the victim recorded under Section 164 Cr.P.C.
8. Considering the tenor thereof and the materials on record, 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.
9. Additionally, it is directed that the Petitioner shall appear before the I.O. twice every week till submission of final form.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS

