

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9838 of 2022

Bijaya Babu @ Bijaya Kumar Naik ***Petitioner***

Mr. S.J. Mohanty, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
27.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioners are an accused in connection with C.T. Case No.30 of 2022, pending in the Court of learned A.D.J.-cum-Special Court under POCSO Act, Bargarh, arising out of Bhatli P.S. Case No.146 dated 12.07.2022, for alleged commission of offences under Section 376/506 of IPC read with Section 4 of POCSO Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Court under POCSO Act, Bargarh, by order dated 09.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 12.07.2022 and as charge-sheet has already been filed on 08.09.2022, further continuance of the petitioner in custody is unwarranted.

6. Perused the 164 Cr.P.C. statement of the victim.
7. Considering the tenor thereof, the manner in which the offence has been committed and taking advantage of the blind faith of the victim and his family in the spiritual power of the petitioner, this Court is **not inclined** to entertain the bail application afresh.
8. It shall be open to the petitioner to move for bail before the learned Court in seisin over the matter after examination of the victim.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rule.

Ayesha

