

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9873 of 2022

Tuna @ Ashish Harijan

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, 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 petitioner is an accused in G.R. Case No.879 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Koraput at Jeypore, Dist-Koraput, arising out of Jeypore Mahila P.S. Case No.96 of 2022, offence under Sections 363/366/376(2)(n)/498-A/294/494/34 of 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 Additional District & Sessions Judge-cum-Special Court under POCSO Act, Koraput at Jeypore by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted that the petitioner was taken into custody since 21.08.2022 and since charge sheet has already been filed on

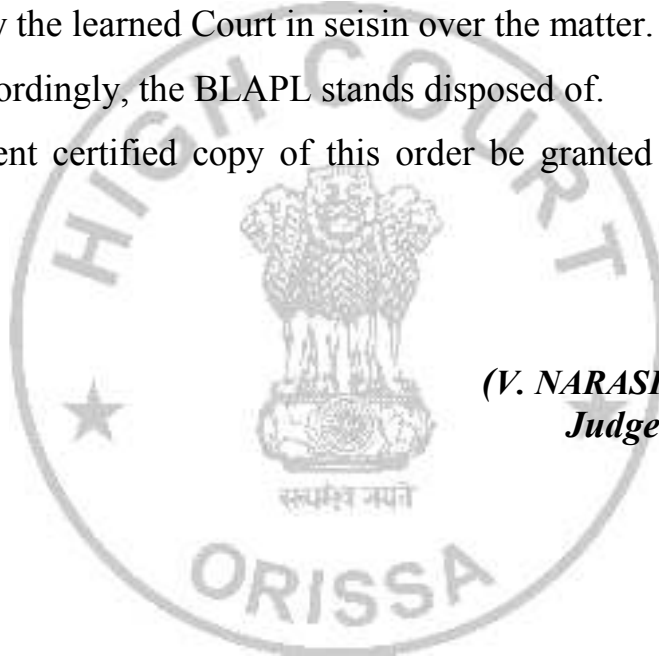
12.10.2022 under Sections 366/376(2)(n)/498-A of IPC read with Section 6 of the POCSO Act, further continuance of the petitioner in custody is unwarranted.

6. On the basis of materials on record it is seen that the victim had married the accused and they are blessed with a male child which is also borne out from her 164 Cr.P.C. statement.

7. Considering the tenor thereof and taking into account the nature of allegations, 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 over the matter.

8. Accordingly, the BLAPL stands disposed of.

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



(V. NARASINGH)
Judge

Santoshi