

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9887 of 2022

Kalia Kharsel

....

Petitioner

Mr. S.N. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.12.2022

Order No.

03.

1. It is submitted by the learned counsel for the State, on instruction, that the notice has been served on the victim/informant on 04.11.2022. In spite of service of notice, none appears for the victim/informant.

2. Heard learned counsel for the Petitioner and learned counsel for the State.

3. The Petitioner is an accused in C.T. Case No.274/71 of 2022 (POCSO) pending on the file of learned Addl. Sessions Judge-cum-Special Court under PCOSO Act, Bhawanipatna, arising out of Junagarh P.S. Case No.280 of 2022, for commission of offence under Sections 363/366/376(2)(n)/376(3) 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 Addl. Sessions Judge-cum-Special Court under PCOSO Act, Bhawanipatna by order dated 25.07.2022 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 25.07.2022 and as charge sheet has been filed on 26.07.2022, his further continuance in custody is not warranted.
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 filing of the charge sheet, 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. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per rule.

PKS

(V. NARASINGH)
Judge

