

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10216 of 2019

Bijay @ Bije @ Sitaram Dutiya ***Petitioner***
Chand @ Sitara Chand

Mr. B.B. Routray, Adv.

-versus-

State of Odisha ***Opp. Party***

Mr. M.K. Mohanty, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
05.01.2022

Order No.

10.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner being in custody in Attabira P.S. Case No.73 of 2019 corresponding to C.T. Case No.13 of 2019, pending in the court of the learned Additional Sessions Judge-cum-Special Judge (POCSO), Bargarh, registered for the alleged commission of offences under Sections 376(2)(f) of the I.P.C. read with Section 6 of the POCSO Act, has filed this petition for his release on bail.
4. The allegation of the prosecution is that on 15.03.2019 at about 2.00 P.M. while the daughter of the informant aged about 5 years and three months was playing at his village, the present Petitioner of his village offered mixture, biscuit and kurkure to his daughter and called her to his house and committed sexual assault with her.

5. Learned counsel for the Petitioner submits that the Petitioner has been falsely implicated in this case. He further submits that the Petitioner is in custody since 16.03.2019. Hence, he submits that the Petitioner may be granted bail on any terms and condition.

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

7. Considering such facts and submissions made and the nature and gravity of the accusation, character of evidence appearing against the Petitioner, the stringent punishment provided, this Court is not inclined to grant bail to the Petitioner.

8. Accordingly, the BLAPL stands dismissed.

9. However, the trial court is directed to conclude the trial within a period of one year from today. The Petitioner is at liberty to file fresh application for bail after examination of the victim girl and her parents.

10. Urgent certified copy of this order be granted on proper application.

(S.K. Panigrahi)
Judge

BJ