

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9957 of 2022

Bijaya Kanar

....

Petitioner

Mr. B. Sahoo, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
16.11.2022

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 connection with Special G.R. Case No.43 of 2022, pending in the file of the learned ADJ-cum-Special Court (under POCSO Act), Sambalpur, arising out of Charml P.S. Case No.99 of 2022, for alleged commission of offences under Sections 376-D/506 of IPC read with 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 Sessions Judge-cum-Special Court (under POCSO Act), Sambalpur, by order dated 06.09.2022 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 13.07.2022 and since charge-sheet has already been filed on 08.09.2022, further continuance of the petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that after investigation charge-sheet has been filed under Section 376-D/506 of IPC read with Section 6 of POCSO Act.

7. Learned counsel for the petitioner also submits that there is discrepancy in the FIR, in the 161 Cr.P.C. statement and in the 164 Cr.P.C. statement.

8. Adverting to the 164 Cr.P.C. statement, it is stated by the learned counsel for the petitioner that in the said statement the date and time of the occurrence is conspicuously absent, hence no reliance can be placed on the said statement.

9. This Court perused the 164 Cr.P.C. statement of the victim.

Considering the tenor thereof, this Court is **not inclined** to entertain this bail application at this stage.

10. Liberty is given to the petitioner to move afresh before the learned Court in seisin over the matter after examination of the victim, which shall be considered on its own merits.

11. Accordingly, the BLAPL stands rejected.

12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha