

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10016 of 2022

Srikanta Naik

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.S. Pradhan, ASC

Mr.M.R. Patra, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
30.11.2022

Order No.

- 02.
1. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
 2. The Petitioner is an accused in G.R. Case No.772 of 2020 pending on the file of learned Special Court under POCSO Act, Jeypore, arising out of Jeypore Town P.S. Case No.281 of 2020, for commission of offence under Sections 376-D/354-B/34 IPC and Section 6 of the POCSO Act.
 3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Special Court under POCSO Act, Jeypore by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.
 4. It is submitted by the learned counsel that charge sheet has been filed on 11.12.2020 citing the Petitioner as an absconder. He further submits that the Petitioner was very much available yet with

ulterior motive he has been cited as an absconder and later on he was taken into custody 16.08.2022. It is further submitted that the Petitioner is prosecuting B.Com in Vikram Dev (Autonomous) College, Jeypore. It is submitted that even if the entire allegation of the Informant is accepted at its face value, then allegation is against the principal accused who is a CCL and the only allegation against the Petitioner is that he facilitated the CCL to commit the offence, as alleged.

5. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that the Petitioner has knowingly participated in the crime and therefore, no leniency ought not to be shown to him and it is also stated that the Petitioner was available and he has been cited as an absconder is farfetched.

6. Perused the statement of the victim recorded under Section 164 Cr.P.C.

7. Considering the tenor thereof and taking into account the role ascribed to the present Petitioner and that the Petitioner is prosecuting B.Com in Vikram Dev (Autonomous) College, Jeypore, 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 rule.

(V. NARASINGH)
Judge

PKS