

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10037 of 2022

***Simran @ Fakira @ Nilambar
Behera***

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
09.12.2022**

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in C.T. Spl.(POCSO) Case No.60 of 2022 pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Jajpur, arising out of Dharmasala P.S. Case No.23 of 2022, for alleged commission of offence under Sections 363/376(2)(n)/376(3) of IPC read with Section 4/6 of POCSO Act and Section 3(1)(w)/3(2)(v) of SC&ST(POA) Act.
3. 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, Jajpur, by order dated 30.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. On instruction, the learned counsel for the petitioner submits that in spite of best of efforts, since the victim is not

residing in her given address and is staying in Hyderabad, it is not possible to serve the notice on her.

5. Taking into account the supervening circumstances for which the notice could not be served, this Court takes up the matter keeping in view that the petitioner is stated to be in custody since 24.08.2022.

6. Perused the 164 Cr.P.C. statement of the victim.

7. Considering the tenor thereof, 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. Since the order is being passed because of the special circumstances as noted, liberty is granted to the victim/her family to seek variance, if any.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Santoshi