

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10324 of 2022

Muna Naik

....

Petitioner

Mr. A. Mohanty, Advocate

-versus-

State of Odisha & another

....

Opposite Party

Mr. M. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

13.12.2022

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is accused in connection with G.R Case No.127 of 2022 pending on the file of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Berhampur, arising out of Dharakote P.S. Case No.205 of 2022, for commission of the offence alleged under Sections 341/363/354-A(1)(i)/506/509/34 IPC and Section 8 of the POCSO Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-Special Court under POCSO Act, Berhampur by order dated 09.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 12.08.2022 and as charge sheet is filed on

30.11.2022 and release of the co-accused, the Petitioner seeks release on bail.

5. Learned counsel for the State on the basis of order of rejection opposes the prayer for bail, inter alia, on the ground that the Petitioner is the principal accused and the manner in which the offence has been committed, he ought not to be released on bail merely because charge sheet has been filed.

6. Taking into account the nature of allegation, the period of custody 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.

7. Learned counsel for the Petitioner submits that he is not in a position to apprise this Court about the criminal antecedent of the Petitioner.

8. While releasing the Petitioner on bail, learned Court below shall verify assertion regarding **criminal antecedent of similar nature**. If the Petitioner has any such criminal antecedent, this order shall stand recalled.

9. The BLAPL thus stands disposed of.

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

(V. NARASINGH)
Judge

PKS