

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10451 of 2022

***Shiba Prasad Kanpan @ Siba
Prasad Kanpan***

Petitioner

Mr. J. Panda, Advocate

-versus-

State of Odisha & another

Opposite Parties

Mr. P.K. Maharaj, ASC

Mr. P.K. Nayak, Adv.

CORAM: JUSTICE V. NARASINGH

ORDER

15.12.2022

Order No.

02.

1. Mr. P.K. Nayak, learned counsel has entered appearance on behalf of the Informant by filing vakalatanama in Court today. The same is taken on record. The name of Mr. Nayak be reflected in the file, cause list and CMS.

2. Heard learned counsel for the Petitioner, learned counsel for the Informant and learned counsel for the State.

3. The Petitioner is an accused in C.T. Case No.94 of 2022 (POCSO) pending on the file of learned A.D.J.-cum-Special Court under POCSO Act, Bhawanipatna, arising out of Golamunda P.S. Case No.162 of 2022, for commission of offence under Sections 498-A/294/313/376(2)(n)/376(3) IPC and Section 6 of the POCSO Act and Section 4 of the D.P Act.

4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Addl. Sessions Judge-cum-Special

Court under POCSO Act, Bhawanipatna by order dated 17.10.2022 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 21.09.2022 and as charge sheet has been filed on 18.11.2022, his further continuance in custody is not warranted.

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

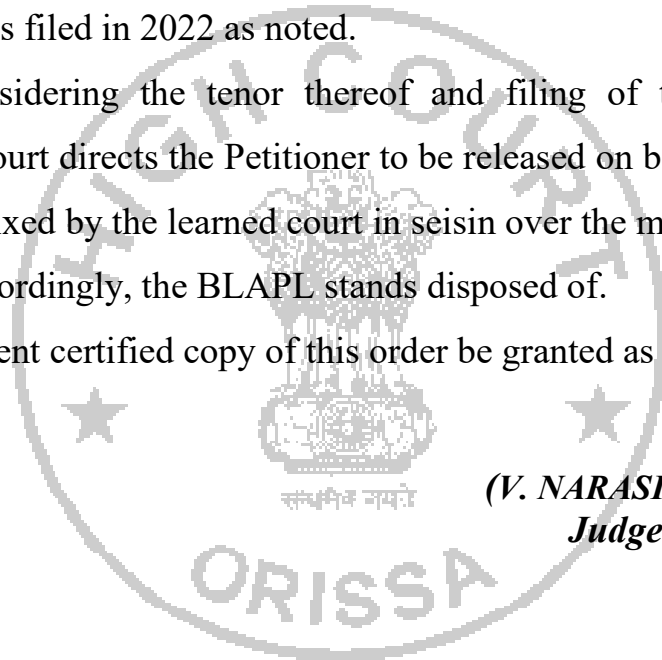
7. Perused the statement of the victim recorded under Section 164 Cr.P.C. It is seen that the alleged occurrence is of the year 2014 and the FIR is filed in 2022 as noted.

8. Considering the tenor thereof 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.

9. Accordingly, the BLAPL stands disposed of.

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

PKS



(V. NARASINGH)
Judge