

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10569 of 2022

Jalia @ Jalandhar @ Biranchi Pradhan

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha and another

Opposite Parties

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Learned counsel for the State on instruction submits that notice has been served on the informant/victim on 21.11.2022. There is no appearance on behalf of the informant/victim when the matter is called.
3. The petitioner is an accused in T.R. Case No.140 of 2022 arising out of Special G.R. Case No.84 of 2022, pending in the file of learned Additional Sessions Judge-cum-Special Judge, under POCSO Act, Nayagarh, corresponding to Khandapada P.S. Case No.145 of 2022, for commission of alleged offences under Sections 376(3)/376(2)(n) of the IPC read with Section 6 of the POCSO Act and is in custody since 12.07.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Spl. Judge under POCSO Act, Nayagarh 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 petitioner is in custody since 12.07.2022 and charge sheet has already been filed on 28.08.2022, further continuance of the petitioner in custody is not warranted.

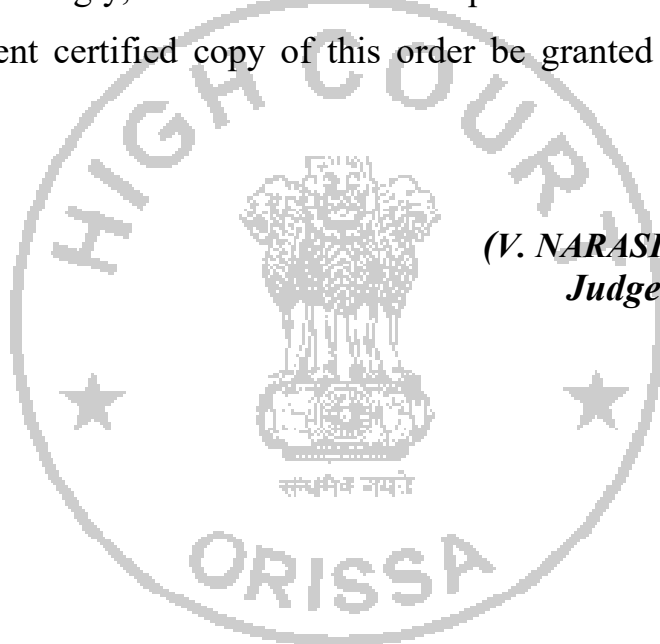
6. Perused the 164 Cr.P.C. statement of the victim.

7. Considering the tenor thereof and taking into account the filing of charge sheet and period of custody, 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 the rules.

(V. NARASINGH)
Judge



Santoshi