

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10779 of 2022

Satyaban Kar

....

Petitioner

Mr. U. Barik, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

24.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in connection with C.T. Case No.102 of 2022, pending in the Court of the learned Additional Sessions Judge -cum- Special Court, under POCSO Act, Bhawanipatna, arising out of Junagarh P.S. Case No.429 of 2022, for alleged commission of offences under Sections 376(2)(n)/294/323/506 of IPC.
4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge -cum- Special Court, under POCSO Act, Bhawanipatna, by order dated 26.10.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the petitioner is in custody from 17.10.2022 and it is submitted that the informant is the wife of the petitioner and they are blessed with a girl child.

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

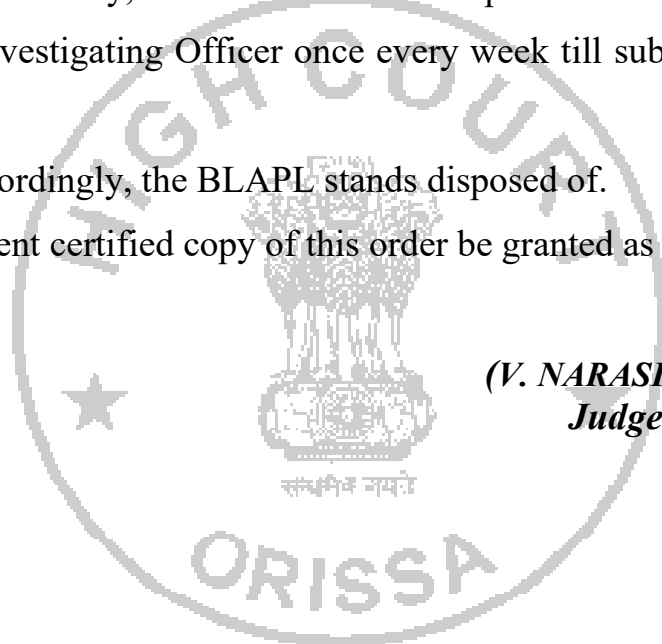
7. Taking into account the peculiar nature of the case at hand, it cannot be said that the petitioner can be labeled as an accused under the POCSO Act. Hence, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally, it is directed that the petitioner shall appear before the Investigating Officer once every week till submission of final form.

9. Accordingly, the BLAPL stands disposed of.

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

Ayesha



(V. NARASINGH)
Judge