

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9887 of 2021

Kanhua @ Kanhu Jena

..... Petitioner
Mr. A. Bhoi, Advocate

-versus-

State of Orissa and another

..... Opp. Parties
Mr. P.K. Pattnaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
07.12.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Bhandaripokhari P.S. Case/F.I.R. No.207 of 2021 corresponding to Special POCSO Case No.62 of 2021 of the Court of learned ADJ-cum-Special Judge, Bhadrak for commission of offences punishable U/Ss. 376(3)/294/506 of IPC and r/w Sec. 6(1) of POCSO Act, on the allegation of committing rape and aggravated penetrative sexual assault upon the victim.
 3. In the course of hearing of the bail application, Mr. S. Bhoi, learned counsel for the Petitioner submits that the medical report is totally silent about commission of rape upon the victim and the Petitioner has been detained in custody since 28.06.2021, but trial is yet to progress. It is further submitted that although the notice has been issued against the Informant, no objection has been filed opposing the release of the Petitioner on bail. On these submissions, learned counsel for the Petitioner prays to enlarge the Petitioner on bail.

4. On the contrary, Mr. P.K. Pattnaik, learned A.G.A. submits that the allegation appearing against the Petitioner is not only serious but also gruesome and the age of victim is twelve years and, therefore, the Petitioner may not be released on bail.
5. It appears from the record that notice has already been issued against the Informant, but none has appeared for the Informant.
6. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner as also the gravity of the offences as alleged and taking into consideration the specific allegation against the Petitioner for committing rape and aggravated penetrative sexual assault upon the victim stated to be aged about twelve years and taking into other circumstance on record in entirety, this Court does not find any reason to grant bail to the Petitioner.
7. Hence, the bail application of the Petitioner stands rejected. Trial be expedited as submitted by the learned counsel for the Petitioner.
8. Accordingly, the BLAPL stands disposed of.
9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge