

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9929 of 2021

Kishor Tandi

....

Petitioner

Mr. A. Pradhan,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.5.2022.

Order No.

02.

1. This matter is taken up through virtual mode.
2. It is submitted by the learned State counsel that the notice has been served on the victim on 24th January, 2022. However, there is no appearance from her side. The Bail Application is taken up for hearing.
3. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
4. The Petitioner is in custody since 21st June, 2021 in connection with Dhanupali P.S. Case No.153/2021 corresponding to Spl. G.R. Case No.35/2021 pending in the

court of learned Addl. Sessions Judge-cum-Special Court under POSCO Act, Sambalpur, for the alleged commission of the offence under Sections 376(2)(1)/376(3) of I.P.C. read with Section 6 of POCSO Act. The allegation is that the Petitioner forcibly raped the victim, who at the relevant time was a minor girl and is also mentally challenged.

5. Having regard to the severity of the allegations and the existence of materials prima facie in support thereof including the statement of the victim recorded under Section 164 of Cr.P.C., I am not inclined to allow the prayer for bail, which is, therefore, rejected. It is open to the Petitioner to renew his prayer after examination of the victim during trial.

AKB

(Sashikanta Mishra)
Judge