

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11104 of 2022

Seikh Sarbar @ Sk. Sarbar ***Petitioner***

Mr. A. Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with G.R. Case No.758 of 2022, pending in the file of the learned Additional Sessions Judge-cum-Special Court under POCSO Act Koraput at Jeypore, arising out of Kotpad P.S. Case No.142 of 2022, for alleged commission of offences under Sections 354-D/506/509 of IPC read with Section 12 of POCSO Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned P.O., Special Court under POCSO Act, Jeypore, by order dated 31.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted by the learned counsel that the petitioner is in custody since 19.07.2022 and charge-sheet has been filed on 31.08.2022 inter alia under Sections 354-D/506/509 of IPC read with Section 12 of POCSO Act.

5. Perused the 164 Cr.P.C. statement of the victim.
6. Learned counsel for the petitioner submits that taking into account the tenor thereof, the petitioner may be released on bail.
7. Learned counsel for the State opposes the prayer for bail inter alia that the petitioner is an accused in a case under Section 302 of IPC and after being released on bail by order of this Court, has committed the present offence. Hence, he ought not to be released on bail.
8. Considering the filing of charge-sheet in the case at hand, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.
9. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station twice every week till conclusion of trial and the petitioner shall not in any way try to contact the victim and her family.
10. It shall be open to the victim/her family to seek variance of this order, if there is any violation.
11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha