

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11565 of 2022

Jaleswar Patra @ Ankit Patra

Petitioner

Mr. A.R. Panda, Advocate

-versus-

State of Odisha

Opposite Party

Mr. S. Patra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

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 C.T. Case No.68 of 2021, pending before the learned Additional District & Sessions Judge-cum-Special Court under POCSO Act, Pulbani, arising out of G.Udayagiri P.S. Case No.92 of 2021, for alleged commission of offences under Sections 363/366/376(1) of IPC read with Section 4(1) of the POCSO Act read with Section 3(2)(v) of SC & ST (P.A.) Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional District & Sessions Judge-cum-Special Judge under POCSO Act, Pulbani, by order dated 02.11.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is stated that the petitioner is in custody since 10.10.2021 and as charge-sheet has already been filed on 18.02.2022, further continuance of the petitioner in custody is unwarranted.

5. Perused the 164 Cr.P.C. statement of the victim submitted by the learned counsel for the petitioner, which is taken on record.

6. Since the victim has been declared hostile under Section 154 of Indian Evidence Act and keeping in view the period of custody and the nature of allegations, this Court directs the petitioner to be released on bail. Learned Court in seisin to fix the terms so as to ensure the presence of the petitioner on each date of trial.

7. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha

