

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11589 of 2022

Gopal Harijan

.... ***Petitioner***
M/s. A.K.Sahoo, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.S.R.Roul, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

19.12.2022

Order No.

- 01.
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 Malkangiri P.S. Case No.249 of 2021 corresponding to T.R. Case No.36 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for commission of offence punishable U/S. 377 of the I.P.C. read with Section 6 of POCSO Act on the allegation of committing unnatural offence and aggravated penetrative sexual assault upon the victim.
 3. In the course of hearing of the bail application, Mr.A.K.Sahoo, learned counsel for the petitioner submits that the medical report of the victim does not support the allegation against the petitioner and the petitioner having remained in custody, may kindly be released on bail.
 4. On the contrary, learned counsel for the State strongly opposes the bail application of the petitioner.
 5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioner as also the gravity of offence and taking into account the

specific allegation against the petitioner for committing unnatural offence and aggravated penetrative sexual assault upon a boy stated to be aged about 9 years and taking into consideration the other circumstance on record in entirety, this Court does not find any merit in the bail application. Accordingly, the prayer for bail of the petitioner stands rejected.

The petitioner may renew his prayer for bail after examination of the victim and the learned trial Court is requested to examine the victim at the earliest by taking sincere step as per the submission of the learned counsel for the petitioner.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge

Kishore

