

(2023) 09 OHC CK 0046
In the Orissa High Court
Case No : Bail Application No. 9428 Of 2023

Anup Pandey

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 08-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 370, 370(A)(2)
Immoral Traffic (Prevention) Act, 1956 — Section 3, 4, 5, 6, 7

Citation : (2023) 09 OHC CK 0046

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : D. Sahoo, P.K. Maharaj

Final Decision : Disposed Of

Judgement

V. Narasingh, J

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.1366 of 2023 pending before the Court of learned S.D.J.M., Jharsuguda, arising out of Jharsuguda P.S. Case No.391 of 2023 for commission of the alleged offence under Sections 370/370(A)(2)/120-B of IPC and Section 3/4/5/6/7 of Immoral Traffic Prevention Act.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned ADJ-cum-PO, Special Court, POCSO, Jharsuguda by order dated 08.08.2023 in the aforementioned case, the present bail applications have been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 23.07.2023 on the allegation that he along with co-accused indulged in immoral trafficking.

5. It is further submitted that since investigation has progressed substantially and as the petitioner is the first offender, he may be released on bail.
6. Learned counsel for the State opposes the prayer for bail during currency of investigation.
7. Taking into account the nature of allegation and the period of custody and the punishment of prescribed, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin subject to verification of criminal antecedent.
8. If it comes to fore that the Petitioner has any criminal antecedent, this order shall stand recalled.
9. Additionally, it is directed that Petitioner shall appear before the jurisdictional police station once every month on such date and time to be fixed by the learned Court in seisin till submission of final form. Certification of such appearance shall be submitted to the Court in seisin.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

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