

(2023) 05 OHC CK 0111

In the Orissa High Court

Case No : Bail Application No. 1380 Of 2023

Chandan @ Goutam Naik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 05-05-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 363, 366, 376(2)(n)

Protection of Children from Sexual Offences Act, 2012 — Section 4(2), 6(1)

Citation : (2023) 05 OHC CK 0111

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : A.K. Nath, K.K. Gaya

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 Special (POCSO) Case No.05 of 2023, pending before the learned Court of the Additional Sessions Judge-cum-Special Court under POCSO Act, Angul, arising out of Handapa P.S. No.11 of 2023, for alleged commission of offences under Sections 363/366/376(2)(n) of IPC read with Section 6(1)/4(2) of POCSO Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Court, under POCSO Act, Angul, by order dated 31.01.2023 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 17.01.2023 and since charge-sheet has been filed on 08.03.2023, further continuance of the petitioner in custody is unwarranted.
5. Learned counsel for the petitioner places on record the final form and the 164

Cr.P.C. statement of the victim.

6. Learned counsel for the State opposes the prayer for bail.

7. Considering the tenor of 164 Cr.P.C. statement of the victim and filing of charge sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Accordingly, the BLAPL stands disposed of.

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

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