

(2023) 03 OHC CK 0002
In the Orissa High Court
Case No : Bail Application No. 210 Of 2023

Gadadhar Naik

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 02-03-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164, 439
Indian Penal Code, 1860 — Section 376(3)
Protection of Children from Sexual Offences Act, 2012 — Section 4(2)

Citation : (2023) 03 OHC CK 0002

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : S. Mohapatra, K.K. Gaya

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Learned counsel for the State, on instruction, submits that the notice has been served on the victim/informant on 27.01.2023. In spite of service of notice, no one appears on behalf of the victim/informant, when the matter is called.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner is an accused in C.T. Spl. (P) Case No.53 of 2022 pending on the file of learned ADJ-cum-Special Court under POCSO Act, Dhenkanal, arising out of Rasol P.S. Case No.170 of 2022 for commission of the offence under Section 376(3) IPC and Section 4(2) of the POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District & Sessions Judge-cum-Special Court under POCSO Act, Dhenkanal, by order dated 22.12.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel that the Petitioner is in custody since

24.09.2022 and as charge sheet has been filed on 19.11.2022, his further continuance in custody is not warranted.

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

7. Perused the statement of the victim recorded under Section 164 Cr.P.C.

8. Considering the tenor thereof and filing of the charge sheet, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

9. Accordingly, the BLAPL stands disposed of.

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

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