

(2023) 06 OHC CK 0145

In the Orissa High Court

Case No : Bail Application No. 5116 Of 2023

Kalandi Malik @ Kalia Kalandi Malik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 28-06-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164, 439

Indian Penal Code, 1860 — Section 323, 376(2)(1), 376(AB)

Protection of Children from Sexual Offences Act, 2012 — Section 6

Citation : (2023) 06 OHC CK 0145

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : B.R. Mohanty, A. Pradhan, P.K. Behera

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the petitioner learned counsel for the State and learned counsel for the informant.

2. Learned counsel Mr. P.K. Behera has filed vakalatnama on behalf of the informant. The same is taken on record. Name of Mr. P.K. Behera be indicated in the brief, in the cause list as well as in the web portal of this Court.

3. The petitioner is an accused in connection with G.R. Case No.31 of 2023, pending in the Court of the learned Additional District & Sessions Judge-cum-Special Judge (POCSO), Kendrapara, arising out of Rajkanika P.S. Case No.209 of 2023, for commission of alleged offences under Sections 323/376(2)(1)/376(AB) of IPC read with Section 6 of POCSO Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-Special Judge (POCSO), Kendrapara by order dated 01.05.2023 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 22.03.2023 and as charge sheet has been filed on 19.05.2023, his further continuance in custody is unwarranted.

5. Learned counsel for the State as well as informant oppose the prayer for bail.

6. Perused the 164 Cr.P.C. statement of the victim and medical examination report.

7. Considering the same, this Court is not inclined to entertain the bail application at this stage.

8. Leave is granted to the petitioner to renew his prayer before the learned Court in seisin after examination of the victim.

9. Accordingly, the BLAPL stands disposed of.

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

.....