

(2024) 03 OHC CK 0042

In the Orissa High Court

Case No : Bail Application No. 8509 Of 2023

Muna Khan @ Sk. Abdul Siddique

APPELLANT

Vs

State Of Odisha & Anr

RESPONDENT

Date of Decision : 06-03-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 324, 341, 376AB, 506
Protection of Children from Sexual Offences Act, 2012 — Section 6

Citation : (2024) 03 OHC CK 0042

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : S.Harichandan

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is in custody since 02.12.2022 in connection with Athagarh P.S Case No. 302 of 2022 corresponding to Spl. G.R. Case No. 168 of 2022 pending in the court of the learned Ad-Hoc, ADJ(FTSC), CUTTACK for the alleged commission of offence under Sections 341/324/376-AB/506 of IPC and Section 6 of POCSO Act.
4. It is alleged that the petitioner sexually assaulted the victim, who was a minor girl aged about 6 years at the relevant time. Learned State counsel has produced the Case Dairy which contains the Medical Examination Report which in turn reveals that the victim had sustained some injuries on her private parts. It appears that the victim has been examined during trial. It has been testified that the petitioner finding the victim alone kissed her and fingered her. There is no allegation of any other sexual assault since the victim has already been

examined and the petitioner has spent more than one year in custody.

5. Considering the submissions as above, the materials on record and the period of detention in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case, failing which it shall be open to the said Court to pass necessary orders to take him to custody.

6. The BLAPL is disposed of.

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

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