

(2023) 08 OHC CK 0024
In the Orissa High Court
Case No : Bail Application No. 4916 Of 2023

Rama Murmu @ Rama Marandi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 04-08-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164, 439
Indian Penal Code, 1860 — Section 376, 376(3), 506
Protection of Children from Sexual Offences Act, 2012 — Section 4

Citation : (2023) 08 OHC CK 0024

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : D.R. Mishra, A. Pradhan, S. Sethi

Final Decision : Dismissed

Judgement

V. Narasingh, J

1. Mr. Sethi, learned counsel is engaged for the Informant-victim by High Court Legal Services Authority.
2. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
3. The Petitioner is an accused in C.T. Case No.149 of 2022 pending on the file of learned Special Court under POCSO Act, Mayurbhanj, Baripada, arising out of Jharpokharia P.S. Case No.251 of 2022 for commission of the offence under Sections 376(3)/506 IPC and Section 4 of the POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C by the learned Special Court under POCSO Act, Mayurbhanj, Baripada, by order dated 9.2.2023 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 16.12.2022 and charge sheet has been filed on 31.12.2022.

6. It is further submitted that since charge sheet has already been filed and keeping in view the nature of allegation and the medical examination report not supporting the accusation of Section 376 IPC, further continuance of the Petitioner is not warranted.

7. Learned counsel for the State and the Informant oppose the prayer for bail.

8. This Court perused the statement of the victim recorded under Section 164 Cr.P.C and that of her sister, P.W.4 which in material particular corroborates the statement of the victim.

9. Considering the same, this Court is not inclined to entertain this bail application.

10. Accordingly, BLAPL stands rejected.

11. Leave is granted to the Petitioner to renew his prayer after examination of the victim.

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