

(2021) 07 OHC CK 0015

In the Orissa High Court

Case No : Bail Application No. 1790 Of 2021

Tapu @ Satya Prakash Dalei

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 02-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

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

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

Citation : (2021) 07 OHC CK 0015

Hon'ble Judges : S. K. Sahoo, J

Bench : Single Bench

Advocate : B.M. Sarangi, D.R. Parida

Final Decision : Disposed Of

Judgement

S. K. Sahoo, J

1. This matter is taken up by video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application for bail under section 439 of Cr.P.C. in connection with Sahadevkhunta P.S. Case No.43 of 2021 corresponding to C.T. Case No. 99 of 2021 pending in the file of learned Special Judge, Balasore for alleged commission of offences under sections 363, 376(2)(n) and 366 of the Indian Penal Code and section 6 of POCSO Act.
4. The prayer for bail of the petitioner was rejected by the learned Special Judge, Balasore vide order dated 26.02.2021.
5. Considering the submissions made by the learned counsel for the petitioner that the petitioner is in judicial custody since 13.02.2021, charge sheet has been submitted under sections 363, 376(2)(n) and 366 of the Indian Penal

Code and section 6 of POCSO Act and after going through the 164 of Cr.P.C. statement of the victim and her medical examination report and on hearing the learned counsel for the State, I am inclined to release the petitioner on bail.

6. Let the petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court below may deem just and proper.

7. The BLAPL is accordingly disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No. 4587 dated 25th March 2020 as modified by Court's Notice No. 4798 dated 15th April 2021.

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