

Jitendra Mandal @ Jitu Vs State Of Odisha & Another

Court: Orissa High Court

Date of Decision: June 28, 2023

Acts Referred: Code of Criminal Procedure, 1973 " Section 164, 439
Indian Penal Code, 1860 " Section 363, 366, 3762(a)
Protection of Children from Sexual Offences Act, 2012 " Section 6

Hon'ble Judges: V. Narasingh, J

Bench: Single Bench

Advocate: P.K. Sahoo, T.K. Praharaj

Final Decision: Disposed Of

Judgement

V. Narasingh, J

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

2. The petitioner is an accused in connection with Special POCSO Case No.32 of 2023, pending in the Court of the learned Additional Sessions Judge-

cum-Special Court under POCSO Act, Bhadrak arising out of Naikanidihi P.S. Case No.45 of 2023, for alleged commission of offences under

Sections 363/366/376-2(a) of IPC read with Section 6 of the POCSO Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Court under POCSO Act, Bhadrak,

by order dated 19.04.2023 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 05.04.2023 and since investigation has progressed substantially, further

continuance of the petitioner in custody is unwarranted.

5. Learned counsel for the State opposes the prayer for bail during the currency of investigation.

6. Perused the 164 Cr.P.C. statement of the victim.

7. Considering the tenor thereof, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every week till submission of final form on such

date and time to be fixed by the learned Court in seisin. Certification of such appearance shall be submitted to the learned Court in seisin.

9. It is further directed that the petitioner shall not in any way try to intimidate the victim and her family.

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