

## Muna Khan @ Sk. Abdul Siddique Vs State Of Odisha & Anr

**Court:** Orissa High Court

**Date of Decision:** March 6, 2024

**Acts Referred:** Code of Criminal Procedure, 1973 â€” Section 439  
Indian Penal Code, 1860 â€” Section 324, 341, 376AB, 506  
Protection of Children from Sexual Offences Act, 2012 â€” Section 6

**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

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