

(2024) 05 OHC CK 0091

Orissa High Court

Case No: Bail Application No. 2942 Of 2024

Tapas Kumar Barik @
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APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 7, 2024

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

Hon'ble Judges: Savitri Ratho, J

Bench: Single Bench

Advocate: Sarada Prasad Dash, S.S. Mohapatra

Final Decision: Disposed Of

Judgement

Savitri Ratho, J

1. This is the second application of the petitioner under Section 439 of Cr.P.C. in this Court in connection with Soro P.S. Case No. 495 of 2023

corresponding to Special Case No. 249 of 2023 where the petitioner is facing trial in the court of the learned Special Judge, POCSO Balasore for

commission of offences under Sections 363, 366, 376 (2) (n) of IPC read with Section 6 of the POCSO Act.

2. BLAPL No. 12822 of 2023 filed by the petitioner earlier was rejected on 15.11.2023 granting him liberty to move for bail afresh before the learned

court below. After recording of statements of P.Ws.1 to 8 which includes P.W.2 the informant and P.W.3 the victim, the petitioner had moved the

learned court below for bail and his prayer for bail has been rejected on 13.02.2024 by the learned trial court.

3. Perused the depositions of P.Ws.2 and 3.

4. Issue notice to the informant by Registered Post with A.D requisites for which shall be filed by 09.05.2024. The notice shall be made returnable

within four weeks.

4. Mr. S. S. Mohapatra, learned Additional Standing Counsel for the State is also directed to instruct the IIC, Soro Police Station, District-Balasore to

serve a copy of the bail application on the informant. The IIC, Soro Police Station shall also inform the informant about the next date of posting of the

case and that he/she can appear in Court through counsel on the said date or from the Police Station through Video Conferencing mode or from the

Virtual High Court, Balasore.

5. List this case on 19.06.2024.

6. Copy of this order be handed over to Mr. S. S. Mohapatra, learned Addl. Standing Counsel for onward transmission to the IIC, Soro Police Station,

District-Balasore for compliance.

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