

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9787 of 2022

Pradeep Kumar Swain @ Padia

Petitioner

Mr. G.R. Dhal, Advocate

-versus-

State of Odisha

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

26.10.2022

Order No.

01.

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 an accused in T.R. Case No.293 of 2022 pending in the file of learned Ad hoc Addl. Sessions Judge-FTC Special Court (POCSO), Bhubaneswar, arising out of Cyber Crime and Economic Offence P.S Case No.30 of 2022, for commission of the alleged offence under Sections 384/419/469/509/34 IPC and Section 12 of the POCSO Act and Sections 67/67(B)/66(E) of the Information Technology Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Ad hoc Addl. Sessions Judge (FTSC), Bhubaneswar by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the Petitioner that since the Petitioner is in custody since 30.07.2022 and the charge sheet has been filed on 25.09.2022, his further continuance in custody is unwarranted. It is further submitted that prima facie case under Section 12 of the POCSO Act is not attracted, taking into age of the victim.
6. Learned counsel for the State opposes the prayer for bail of the Petitioner.
7. Perused the statement of the victim recorded under Section 164 Cr.P.C.
8. Taking into account the filing of the charge sheet, as noted above, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned court in seisin over the matter.
9. While enlarging the Petitioner on bail the learned court below shall verify the assertion regarding his criminal proclivity. If it comes to the fore that the Petitioner has any criminal antecedent of similar nature, this order shall stand recalled.
10. Accordingly, the BLAPL stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS