

Misc. Case No.275 of 2018

Bapun @ Sunil Kumar Mallik ... Appellant/
Petitioner

-Versus-

State of Odisha ... Respondent/
Opp. party

05. 21.01.2021 The matter is taken up through Video Conferencing.

 This is an application under Section 389 of Cr.P.C. for grant of bail.

 Heard.

 The appellant-petitioner has been convicted under section 363/376(D) of the Indian Penal Code read with section 6 of the POCSO Act and sentenced to undergo R.I. for a period of three years and to pay a fine of Rs.5000/- (rupees five thousand) and in default, to undergo R.I. for three months for the offence under section 363 of the Indian Penal Code. Further in view of the provision of section 42 of the POCSO Act and in the given facts and circumstances of the case, he is sentenced to undergo R.I. for a period of twenty years and to pay a fine of Rs.10,000 (rupees ten thousand), in default, to undergo R.I. for three months for the offence under section 376(D) of the Indian Penal Code as the punishment is greater in degree by the learned Additional Sessions Judge -cum- Special Judge, Balasore in Special Case No.222/2015.

In view of the age of the victim and her evidence in Court as P.W.10 and the corroborative materials available on record, I am not inclined to release the appellant on bail.

The I.A. stands dismissed.

The appellant-petitioner is at liberty to renew his prayer for bail after completing half of the substantive sentence imposed by the learned trial Court.

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S.K. Sahoo, J.

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Heard.

There shall be stay of realization of fine amount imposed by the learned trial Court on the appellant-petitioner pending disposal of the criminal appeal.

The I.A. is disposed of.

Issue certified copy as per rules.

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S.K. Sahoo, J.

