



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.13439 of 2025

Udit Bidika @ Udit @ Udit Jena ... Petitioner

Mr. B.P. Nanda, Advocate

-versus-

Union of India (CBI) ... Opposite Party

Mr. S. Nayak, Advocate (CBI)

CORAM: JUSTICE G. SATAPATHY

Order No.

ORDER(ORAL) : 07.05.2026

04.

1. This is the bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with CBI Crime Report RC-02(S)/2024/CBI/SC-III/New Delhi corresponding to T.R. Case No. 05 of 2024 pending in the Court of learned Addl. Dist. & Sessions Judge-cum-PO, Special Court under POCSO Act, Rayagada, for commission of offence punishable U/Ss. 14/15 of POCSO r/w. 67-B of IT Act, on the main allegation of indulging in illegal activities child pornography by keeping materials to circulate it.

2. Heard, Mr. Biraja Prasad Nanda, learned counsel for the petitioner and Mr. Sarthak Nayak, learned counsel appearing virtually for the CBI in the matter and perused the record.

3. Mr. Sarthak Nayak, learned counsel for the CBI by highlighting the antecedent of the petitioner in another case in Rayagada P.S. Case No. 66 of 2024 for commission of offences punishable U/Ss. 376(2)(n)/294/34 of IPC r/w. Sec.6 of POCSO Act submits that not only the petitioner is involved in this case, but also he is involved in another case of graver offence concerning child and the prosecution in this case would only examine five witnesses and, therefore, the trial being likely to be concluded within four months, the petitioner should not be



granted bail at this stage. Mr.Nayak accordingly prays to reject the bail application of the petitioner.

3.1. In reply, Mr. Biraja Prasad Nanda, learned counsel for the petitioner by taking this Court to the order sheet of T.R. No. 10 of 2024 submits that the petitioner is on bail in the above referred case because the victim therein has not supported the prosecution allegation against the petitioner and, therefore, even though the petitioner has inadvertently left out to mention this facts in his bail application, the same may kindly be considered in a holistic view by granting bail to the petitioner.

4. After having considered the rival submissions upon perusal of record, there appears no dispute that the Superintendent of Police, CBI has lodged FIR in this case by stating *inter alia* the following:-

"A reliable source information has been received to the effect that persons namely Shri Udit Jena @ Udit @ Udit Bidika (petitioner), a suspected resident of village Mukundpur, Distt. Rayagada, Odisha , Shri M. Debasis Naik @ Debasis @ Debasis Naik, Dist, Rayagada, Odisha and other unknown persons are involved in the creation, collection and circulation of online Child Sexual Abuse Material (CSAM), depicting children in sexually explicit manner during the period between the year 2016 to till date. Thus, the above-mentioned accused persons have prima facie committed offences punishable under section 67-B of the Information Technology Act, 2000, under section 14 and 15 of the Protection of Children from Sexual Offences Act, 2012."

However, it is submitted for the CBI that there are 33 charge sheet witnesses and the prosecution only wants to examine 05 witnesses, but Mr. Nanda has produced the certified copy of deposition of five witnesses, out of whom PW.2 a child has stated that her brother had taken photograph during her bathing. Further, none of the witnesses out of the five witnesses examined has whispered anything which



incriminates the present petitioner. The present petitioner is in custody since 04.03.2024, but the trial is yet to be concluded even after two years of his custody, however, Sec.35(2) of the POCSO Act mandates that the trial should be completed within one year of taking cognizance of offence. Besides, the Sec.15 of the POCSO Act prescribes punishment which may extends to three years so also Sec. 67-B of the POCSO Act prescribes punishment which may extends to five years.

5. In the aforesaid facts and circumstances and taking into account the custody period of the petitioner and on consideration the materials placed on record, this Court without expressing any view on merit, admits the petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

7. Accordingly, the BLAPL stands disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

S.Sasmal

Signature Not Verified

Digitally Signed
Signed by: SUBHASHMITA SASMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 08-May-2026 11:23:30

