

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 138 of 2022

Madhusudan Naik

....

Petitioner

Mr. A. Mishra, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.03.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. It is submitted by learned State Counsel that notice on the victim has already been served, there is however no appearance from her side, hence the bail application is taken up for hearing.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 04.10.2021 in connection with Thakurmunda P.S. Case No.110 of 2021 corresponding to C.T. Case No.12/123 of 2021 pending in the Court of learned J.M.F.C., Thakurmunda for the alleged commission of offence under Sections 363/376(2)(n)/379 of IPC.
5. The allegation is that the petitioner kidnapped the victim and forcibly committed sexual intercourse on her. As such, the FIR was lodged under Sections 363/376(3)/376(3)(n)/379 of IPC read with Section 6 of POCSO Act. However, after investigation, charge sheet has been submitted under Sections 363/376(2)(n)/379 of IPC deleting Section 376(3) of IPC and Section 6 of POCSO Act.

6. Considering the above facts, the submissions made, the period of detention in custody and the statement of the victim recorded under Section 164 Cr.P.C., 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 condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

