

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 424 of 2022

Salim @ Sk. Moni

....

Petitioner

Mr. A.R. Panda, Advocate

- Versus -

State of Odisha

.... Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.06.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. It is submitted by learned State Counsel that notice on the informant has been served on 30.04.2022. There is however, no appearance from the side of the informant/victim. Hence, the bail application is taken up for hearing.
4. The petitioner is in custody since 16.08.2021 in connection with Sahadevkhunta P.S. Case No.212 of 2021 corresponding to Special Case No.197 of 2021 pending in the Court of learned Addl. District Judge-cum-Special Judge, Balasore for the alleged commission of offence under Sections 363/365/376(3)/376(2)(n)/328/114/34 of IPC read with Sections 6 & 17 of POCSO Act.
5. It is alleged that the minor daughter and grant daughter of the informant were taken away by the petitioner and his friend, Rohan to Chandipur, where they stayed in a hotel. During the night, the friend of the petitioner, namely, Rohan is alleged to have committed sexual intercourse with the daughter of the

informant. In so far as the petitioner is concerned, the statement of the victim recorded under Section 164 Cr.P.C. reveals that he had not committed any sexual assault on her.

6. Considering the above facts, materials on record, the period of detention in custody and the fact that charge sheet has already been submitted, 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

