

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.550 of 2022

Khir Mohan Bihari

....

Petitioner

Mr. J.N. Panda
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.02.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. J.N. Panda, learned counsel for the Petitioner and Mr. P. Tripathy, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 2nd January, 2022 in connection with Dharamgarh P.S. Case No.208/2021 corresponding to C.T. Case No. 532/2021 pending in the court of learned Addl. District and Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for the alleged commission of the offence under Sections 363/366/376(2)(n)/109 of I.P.C. read with Sections 6/17 of POCSO Act.

4. It is submitted that the Petitioner is not the principal accused, but alleged to have helped the accused in kidnapping the victim girl and in keeping her in his village. It is further submitted that the statement of the victim recorded under Section 161 of Cr.P.C. clearly reveals that she had left home with the principal accused on her own will without any coercion whatsoever.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the Petitioner had also actively participated in the occurrence and had in fact facilitated commission of the alleged offences.

6. Having regard to the submissions made and the period of detention already undergone and in particular, considering the statement of the victim recorded under Section 161 of Cr.P.C., I am inclined to allow the prayer for bail.

7. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High court's website, at

par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB

(Sashikanta Mishra)
Judge

