

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.735 of 2022

Kailash Chandra Sethi

....

Petitioner

Mr. G.K.Behera
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Maharaj,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.03.2022.

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. The Petitioner is in custody since 16th November, 2021 in connection with Gangapur P.S. Case No.507/2021 corresponding to G.R. Case No.1414/2021 pending in the court of learned J.M.F.C., Aska for the alleged commission of the offence under Sections 376(2)(n)/458/354-B/506 of I.P.C.

4. Though the allegation is that the Petitioner forcibly committed sexual intercourse against the will of the victim, yet from reading of the entire prosecution story as evident from the materials on record including the statement of the victim recorded under Section 164 of Cr.P.C., it appears that the relationship between the Petitioner and the victim was consensual in nature.

5. Having regard to the above fact, the period of detention in custody and the fact that charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail.

6. 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 appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is disposed of.

8. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

