

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1175 of 2022

Ganesh Das

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

State of Odisha and Anr.

....

Opp. Parties

Mr. J.P. Patra

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

08.02.2022

Order No.

01.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Nuagaon P.S. Case No.82 of 2021 corresponding to Special G.R. Case No.83 of 2021 pending in the Court of learned Addl. Sessions Judge –cum- Special Judge under POCSO Act for alleged commission of offences under sections 363/ 376(2)(n)/294/506 of the Indian Penal Code read with sections 6 and 12 of the

POCSO Act.

Learned counsel for the petitioner submitted that the victim appears to be a consenting party and she voluntarily came to the house of the petitioner and stayed with him and she was rescued but again the villagers brought her to the house of the petitioner and at a subsequent stage, at the instance of the father of the victim, false case was foisted and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State on the other hand opposed the prayer for bail and placed the statement of the victim which is annexed to the anticipatory bail application as Annexure-2.

The victim stated her age to be 15 years and further stated that the petitioner committed rape on her. In view of the available material on record and the nature and gravity of the accusation, while not inclining to grant anticipatory bail to the petitioner, it is observed that in the event the petitioner surrenders in the Court below within a period of four weeks from today and moves for bail before the learned Court below, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law. The case records shall be made available to the Court

concerned.

The ABLAPL stands disposed of.

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

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(S.K. Sahoo)
Judge

