

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.931 of 2022

Kartik Bera

....

Petitioner

Mr. S. Mohapatra
Advocate

-versus-

State of Odisha and another

....

Opposite Parties

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

Mr. Md.G.Madani, Advocate
(for O.P. No.2)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.7.2022.

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 10th January, 2022 in connection with Dhamara P.S. Case No.121/2021 corresponding to Special POCSO Case No.6/2022 pending in the court of learned Addl. District Judge-cum-Special Judge, Bhadrak for the alleged commission of the offence under

Sections 363/366/376(3)/376(2)(n) of I.P.C. read with Section 6 of the POCSO Act.

4. It is alleged that the Petitioner kidnapped the victim and thereafter committed rape on her. The statement of the victim recorded under section 161 of Cr.P.C. is completely at variance from her own statement recorded under Section 164 of Cr.P.C. That apart the statement of the victim (father) as well as mother speak a different story than what has been laid in the F.I.R.

5. Considering the submissions made, the materials on record and the period of detention of the Petitioner in custody, I am inclined to allow the prayer for bail. 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 and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

