

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1057 of 2022

Nagen @ Nagendra Soren Petitioner

Mr. S.P. Dash, Advocate

-versus-

State of Odisha Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
30.06.2022**

Order No.

02. 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 for bail under section 439 of Cr.P.C. in connection with C.T. Case No.129 of 2020 arising out of Jashipur P.S. Case No.151 of 2020 pending in the Court of learned Presiding Officer, Special Court under POCSO Act, Mayurbhanj, Baripada for offences punishable under sections 376(2)(n)/376(3) of the Indian Penal Code read with section 4 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Presiding Officer, Special Court under POCSO Act, Mayurbhanj, Baripada, which was rejected on 25.01.2022.

Learned counsel for the petitioner submitted that the

petitioner is in judicial custody since 03.11.2020 and the earlier bail application of the petitioner in BLAPL No.1309 of 2021 was rejected by this Court as per order dated 27.07.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the victim in the trial Court. Learned counsel further submitted that the victim has been examined in the trial Court as P.W.3 and though she has stated about the petitioner keeping physical relationship with her in a friend's house at Baripada but it has been confronted to her in the cross-examination regarding her previous statement before the learned J.M.F.C., Baripada and she has admitted that she has stated before the Investigating Officer as well as before the learned J.M.F.C., Baripada that her parents had threatened her when she arrived at in the village and brought her to the house and she further stated before the learned J.M.F.C., Baripada that she was in love with the petitioner and she further stated that she did not remember whether she had stated before learned J.M.F.C. about her physical relationship with the petitioner during her stay at Baripada in different house.

On verification of the 164 Cr.P.C. statement of the victim recorded by the learned J.M.F.C., Baripada, it appears that she had not stated about any physical relationship with the petitioner while staying with him at Baripada in the house of his friend.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the victim in the trial Court and taking into

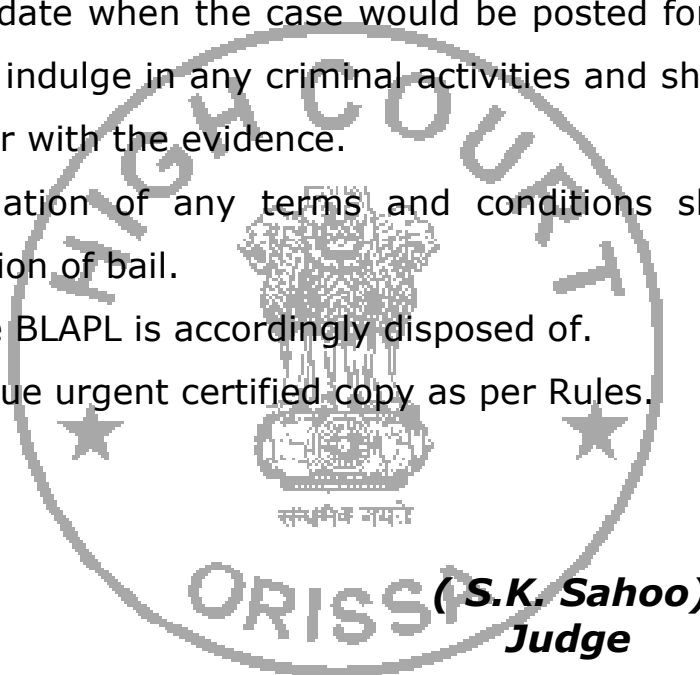
account the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



RKM