

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1091 of 2022

Babu Barik @ Sankarshan Barik @ **Petitioner**
Babu Barik

Mr. D. Nayak, Sr. Advocate along with
Mr. B. Swain, Advocate

- Versus -

State of Odisha **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
29.03.2022

Order No.
3.

1. This matter is taken up through hybrid mode.
2. It is submitted by learned Addl. Standing Counsel that notice on the victim has already been served. However, there is no appearance from her side. As such, the bail application is taken up for hearing.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 09.01.2022 in connection with Mahakalapara P.S. Case No.4 of 2022 corresponding to G.R. Case No.4 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Kendrapara for the alleged commission of offence under Sections 363/366/376(3) of IPC read with Section 4 of POCSO Act.
5. The allegation is that the petitioner forcibly kidnapped the victim and kept her in the house of his relation and forcibly committed sexual intercourse on her and thereafter took her to Vijayanagar, from where they came to Khurdha where she was

rescued. As it appears, the allegation of forcible sexual intercourse and kidnapping are not fully made out from the statement of the victim recorded under Section 164 Cr.P.C. Moreover, the allegation of rape is not supported by the medical examination report, which is enclosed as Annexure-3 to the bail application.

6. Having regard to the above facts and the period of detention in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

