

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1111 of 2022

Ajaya Naik

.... Petitioner

Mr. S.K.,Dash,
Advocate

-versus-

State of Odisha and another

.... Opposite Parties

Mr. A. Pradhan
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
22.3.2022.

Order No.

- 03.
1. This matter is taken up through virtual mode.
 2. Heard Mr. S.K.Dash, learned counsel for the Petitioner, Mr. A. Pradhan, learned Addl. Standing Counsel for the State, and the informant-Smt. Pratima Naik, who appears through virtual mode with the assistance of the S.I., Sri Manas Ranjan Naik, of Koida P.S.
 3. The Petitioner is in custody since 16th April, 2021 in connection with Koida P.S. Case No.34/2021 corresponding to Special G.R. Case No.49 of 2021 pending in the court of

learned Addl. District Judge-cum-Special Court(POCSO), Sundargarh for the alleged commission of the offence under Sections 365/376(3)/376 (2)(n)/506/34 of I.P.C. and Section 6 of the POCSO Act.

4. Referring to the statement of the victim recorded under Section 161 of Cr.P.C., Mr. Dash submits that it is a clear case of consent and whatever happened between the Petitioner and the victim was entirely consensual without being forced whatsoever.

5. Mr. Pradhan, learned Addl. Standing Counsel, has opposed the prayer for bail by submitting that considering the age of the victim girl, her consent or otherwise is immaterial. Smt. Pratima Naik, the informant, has stated that the Petitioner should not be shown any leniency as he may cause harm if released on bail.

6. Having regard to the submissions as above, the materials on record, the period of detention in custody and the fact that charge sheet has already been submitted, I am inclined to allow the prayer for bail.

7. 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 personally appear before the trial court on each date of posting of the case and in case of even one single default, appropriate

orders shall be passed to take him to custody again and he shall not approach, threaten, coerce or pressurize the victim or her family members in any manner whosoever. Further he shall appear before the I.I.C. of Barbil P.S., once every fort night and such fact shall be certified by the I.I.,C. to the concerned Court once every month. Further the S.I. of Koida P.S., who is also present through virtual mode, is directed to ensure that all necessary protections shall be accorded to the victim as well as her family members.

8. The BLAPL is disposed of.

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

10. A free copy of this order be supplied to Mr. A. Pradhan, learned Addl. Standing Counsel for the State.

AKB

(Sashikanta Mishra)
Judge