

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1188 of 2022

Raju @ Rajesh Behera

....

Petitioner

Mr. Manas Chand, Advocate

- Versus -

State of Odisha and another

.... **Opposite Parties**

Mr. S.K. Mishra, Addl. Standing Counsel
Mr. S.K. Pradhan, Advocate (for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

31.03.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned Addl. Standing Counsel for the State and learned counsel for the informant.
3. The petitioner is in custody since 25.08.2021 in connection with Tangi P.S. Case No.205 of 2021 corresponding to T.R. Case No.378 of 2021 pending in the Court of learned Addl. Sessions Judge, Bhubaneswar for the alleged commission of offence under Sections 363/366/376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act.
4. Learned counsel for the petitioner submits that this is a case of elopement. The petitioner and the victim were in love with each other and since the victim's marriage was fixed with the petitioner but could not materialize as the family members did not consent to such relationship, the victim willfully left home with the petitioner and lived as husband and wife after being married.
5. Learned counsel appearing for the informant has opposed the prayer for bail by submitting that the consent of the victim is of no

consequence having regard to her age, which is 15 years at the time of occurrence.

6. Learned Addl. Standing Counsel for the State has also opposed the prayer for bail by making similar submissions.

7. I have considered the rival submission and have perused the materials on record including the statement of the victim recorded under Sections 161 and 164 Cr.P.C. It appears that charge sheet has already been submitted in the case. The petitioner is in custody for more than seven months. The petitioner also appears to be a local person and therefore, the chance of fleeing from justice appears to be remote. Taking into consideration all the above facts, 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 not approach, threaten, coerce or pressurize the victim in any manner whatsoever and he shall personally appear before the trial court on each date of posting of the case failing which appropriate orders shall be passed by the Court to take him to custody again.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana