

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1213 of 2022

Chandan Malik @ Chandan Mallik* *Petitioner

Mr. S. Dwibedi,
Advocate

-versus-

State of Odisha and another* *Opposite Parties

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
23.03.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. It is submitted by learned State counsel, on instructions, that the I.I.C. of Itamati P.S. made several attempts to serve the notice on the victim in this case, but she refused to accept the same. In view of such refusal, notice is held to be sufficient. Since there is no appearance from the side of the informant/victim, 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 18th November, 2021 in connection with Itamati P.S. case No.180/2021 corresponding to Special G.R.. Case No.151/2021 pending in the court of

learned Addl. Sessions Judge-cum-Special Judge, Under POCSO Act, Nayagarh for the alleged commission of the offence under Sections 109/363/366/376/376(2)(n)/34 of I.P.C. and Sections 6 and 17 of the POCSO Act.

5. A reading of the statement of the victim recorded under Section 164 of Cr.P.C. reveals that the victim had wilfully eloped with the Petitioner and had also subsequently married him.

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

7. Let the Petitioner be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall appear before the court below on each of posting of the case without fail.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

