

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1216 of 2022

Pinku Nayak

.... Petitioner

Mr. S.K.Dash
Advocate

-versus-

State of Odisha and another

.... Opposite Parties

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

06.4.2022.

Order No.

04.

1. This matter is taken up through hybrid mode.
2. It is submitted by learned State counsel that victim has been informed about the date of posting of the case. However, there is no appearance on behalf of the victim. Hence, the Bail Application is taken up for hearing.
3. Heard learned counsel for the Petitioner learned Addl. Standing Counsel for the State.
4. The Petitioner is in custody since 19th October, 2021 in connection with Khajuripada P.S. Case No.124/2021 corresponding to C.T. Case No.75/ 2021 pending in the court

of learned Addl. Sessions Judge-cum-Special Judge under POCSO Act, Phulbani for the alleged commission of the offence under Sections 354-A/376(2)(n)/417/313/506/34 of I.P.C and Section 6 of the POCSO Act.

5. The allegation is that the Petitioner forcibly committed rape on the victim, made her pregnant and thereafter caused her to abort such pregnancy. A reading of the statement recorded under Section 164 Cr.P.C. of the victim states that the relationship between them was consensual in nature and that apart the medical examination report of the victim does not support the allegation of termination of pregnancy.

6. Considering 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 may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

