

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1237 of 2022

Sk. Tahur

....

Petitioner

Mr. A.R. Panda, Advocate

- Versus -

State of Odisha

....

Opp.Parties

Mr. P. Tripathy, Addl. Standing
Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

23.09.2022

Order No.

5.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The victim has submitted an affidavit objecting to the bail application of the petitioner on the ground that if he gets bail, he would take revenge on her and her parents by circulating her naked photographs which he has kept with him.
4. The petitioner is in custody since 18.01.2022 in connection with Balasore Town P.S. Case No.219 of 2021 corresponding to Special Case No.251 of 2021 pending in the Court of learned Addl. District and Sessions Judge-cum-Special Judge, (POCSO), Balasore for the alleged commission of offence under Sections 376(2)(n)/376(3)/506 of IPC read with Section 6 of POCSO Act.
5. Taking into consideration all the above facts and the period of detention in custody, I am inclined to allow the prayer for bail with stringent conditions. 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 following conditions:

- (i) He shall personally appear before the court in seisin over the matter on each date of posting of the case without fail and in case of even a single default necessary order shall be passed by the Court below to take him to custody again.
- (ii) He shall not approach, threaten, coerce or pressurize the victim or her family members in any manner whatsoever.
- (iii) He shall not attempt to make any sort of contact whatsoever with the victim or her family members either physically or telephonically.
- (iv) He shall appear before the IIC of Balasore Town P.S. on every Sunday at 10 a.m. till conclusion of trial and such fact shall be certified by the IIC to the concerned court once in a month.

It shall be open to the victim to move an application for cancellation of bail in the event of violation of any of the aforementioned conditions by the petitioner.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge