

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1238 of 2022

Manindra Majhi

....

Petitioner

Mr. S.N.Mishra-4
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

16.3.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. It is submitted that notice has been served upon the victim. However, there is no appearance on behalf of the victim. Hence, the Bail Application is taken up for hearing.
3. Heard Mr. S.N.Mishra-4, learned counsel for the Petitioner and Mr.S.K.Mishra, learned Addl. Standing Counsel for the State.
4. The Petitioner is in custody since 6th December, 2020 in connection with Junagarh P.S. Case No.309/2020

corresponding to C.T. Case No.83/2020 (POCSO) pending in the court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for the alleged commission of the offence under Sections 451/354/354-A/506 of I.P.C. read with Section 12 of POCSO Act.

5. It is seen that in the first statement recorded under section 161 of Cr.P.C., the victim did not make any allegation of sexual assault. However, another statement was recorded also under Section 161 Cr.P.C. wherein she said about the sexual assault, which was also reflected in the statement recorded under Section 164 of Cr.P.C. Thus, there is a discrepancy in the version of the victim as above.

6. Considering the submissions made, the materials on record, the period of detention already undergone 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 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.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

