

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1361 of 2022

Nigamananda Behera @ Papi @ Raj **Petitioner**
Behera

Mr. S.P. Das, Advocate

- Versus -

State of Odisha **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel
Mr. C.K. Mohanty, Advocat (for informant)

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
27.04.2022

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 petitioner is in custody since 16.11.2021 in connection with Nayapalli P.S. Case No.535 of 2021 corresponding to C.T. Case No.6362 of 2021 and T.R. Case No. 510 of 2021 pending in the Court of learned Addl. Sessions Judge, Bhubaneswar for the alleged commission of offence under Sections 363/376(2)(n)(3) of IPC and Section 4(2)/6 of POCSO Act
4. The prosecution allegation is that the petitioner kidnapped the victim, who is a minor girl, and committed forcible sexual intercourse on her. However, a reading of the statement of the victim recorded under Sections 161 and 164 Cr.P.C. coupled with the medical examination report, does not clearly support such allegation.
5. Considering the above facts, the materials on record, taking into account the period of detention of the petitioner in custody, 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 shall personally appear before the trial court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

