

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1368 of 2022 &

BLAPL No. 969 of 2022

BLAPL No. 1368 of 2022

Sagar Kumar Das

....

Petitioner

Mr. Mahes Das, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

Mr. S.S.Mohanty, Adv. (for informant)

BLAPL No. 969 of 2022

Akash Kumar Das

....

Petitioner

Mr. Mahes Das, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

Mr. S.S. Mohanty (for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

26.07.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioners are in custody since 06.12.2021 in connection with Malkangiri P.S. Case No.575 of 2021 corresponding to T.R. Case No.30 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Malkangiri for the alleged commission of offence under Sections 354/354C/376-D/376(2)(n)/376(3)/313/34 of IPC read with Section 6 & 17 of the POCSO Act and Section 66-E of the Information Technology Act.

4. Both the petitioners are brothers. It is alleged that taking advantage of a cordial family relationship, the petitioners developed familiarity with the victim and on the date of occurrence the petitioner- Sagar Kumar Das committed sexual intercourse with her, while the other petitioner- Akash Kumar Das, videographed the entire act as also took photographs.

5. Learned counsel for the petitioners submits that the relationship is entirely consensual in nature and in any case the allegations are not supported by the medical examination report of the victim.

6. Learned Addl. Standing Counsel has also opposed the prayer for bail by referring to the age of the victim, which is 15 years.

7. Learned counsel appearing for the informant has also opposed the prayer for bail on the aforementioned grounds.

8. Considering the submissions, the materials on record as also taking into account the period of detention in custody and in particular the statement of the victim recorded under Section 161 of Cr.P.C along with her medical examination report, I am inclined to allow the prayer for bail. Let the petitioners 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:

- (i) They shall personally appear before the trial Court on each date of posting of the case without fail.
- (ii) They shall not approach, threaten, coerce or pressurize the victim in any manner whatsoever.
- (iii) They shall not make any sort of contact either

physically or telephonically with the victim.

- (iv) 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.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules

(Sashikanta Mishra)
Judge

A.K. Rana

