

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1483 of 2022

Chandan Mallik

....

Petitioner

Mr. S. Pattanayak, Advocate

- Versus -

State of Odisha & Another

.... **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.04.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. It is submitted by learned State Counsel that notice has already been served upon the victim on 20.03.2022. However, there is no appearance from her side. As such, the bail application is taken up for hearing.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 16.11.2021 in connection with Pipili P.S. Case No.510 of 2021 corresponding to Special G.R. Case No.110 of 2021 pending in the Court of learned Addl. District Judge-cum-Special Court under POCSO Act for the alleged commission of offence under Sections 363/376(3)/294/506/34 of IPC read with Sections 4 & 5 of POCSO Act and Section 67 of IT Act.
5. It is alleged that the petitioner, who had love relationship with the victim, committed sexual intercourse on her and recorded such act on video and thereafter threatened to make the said videographs viral.

6. A perusal of the statement of the victim recorded under Section 164 of Cr.P.C. suggests that there was a love affair between them, but in so far as the allegation of obtaining the nude photographs of the victim is concerned, investigation does not reveal the same, save and except the fact of seizure of some whatsapp messages.

7. Having regard to the above facts, the period of detention of the petitioner in custody and the fact that charge sheet has already been submitted, 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. Further he shall personally appear before the Court in seisin over the matter on each date of posting of the case and in case of even a single default, the Court below shall pass necessary orders to take him to custody again forthwith.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana