

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1535 of 2022

Haresh Kisan

.... **Petitioner**

Mr. D.J. Sahoo, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.04.2022

Order No.

3.

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 31.01.2021 in connection with Jharsuguda P.S. Case No.25 of 2022 corresponding to Special Case No.2 of 2022 pending in the Court of learned Addl. District Judge-cum-P.O., Special Judge (POCSO), Jharsuguda for the alleged commission of offence under Sections 366/376(2)(n) of IPC read with Section 6 of the POCSO Act.
4. The allegation is that the petitioner kidnapped the victim, who is a minor girl and committed sexual intercourse on her. The statement of the victim recorded under Section 164 Cr.P.C. however, does not at all support such allegation. Though there is some medical evidence suggesting sexual intercourse but the allegation of rape as such, is prima facie not made out in view of the categorical statement of the victim.
5. Having regard to the above fact and 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 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

