

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1547 of 2022

Chiranjibi Rout

....

Petitioner

Mr. B.K. Behera, Advocate

- Versus -

State of Odisha and Another

.... **Opposite Parties**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.04.2022

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 15.03.2022. There is however, no appearance from the side of the victim. Hence, the matter 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 20.10.2021 in connection with Bada Bazar P.S. Case No.216 of 2021 corresponding to G.R. Case No.186 of 2021 pending in the Court of learned Addl. District Judge-cum-Special Court under POCSO Act, Berhampur, Ganjam for the alleged commission of offence under Sections 363/376(2)(n)/376(3)/342 of IPC read with Section 6 of POCSO Act.
5. Though the case has been registered on the allegation of kidnapping and sexual assault on the victim, yet from the Section 164 Cr.P.C. statement of the victim it is apparent that the victim had a consensual relationship with the petitioner after attaining majority.

6. Considering the above facts 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.
7. BLAPL is accordingly disposed of.
8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

