

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.1734 of 2022**

***Sk.Ali Ahemad @ Sk. Ali Ahamad @ ....  
Raja***

***Petitioner***

Miss. P. Naidu,  
Advocate

**-versus-**

***State of Odisha***

***Opposite Party***

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

Mr.R.N.Biswal, Advocate  
(for informant)

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER  
20.4.2022.**

**Order No.**

03.           1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State and learned counsel appearing for the informant.
3. The Petitioner is in custody since 12<sup>th</sup> December, 2021 in connection with Berhampur Town P.S. Case No.266/2021 corresponding to G.R. Case No.218/2021 pending in the court

of learned Addl. District Judge-cum-Special Court under POCSO Act, Berhampur for the alleged commission of the offence under Section 363 of I.P.C.

4. The allegation is that the Petitioner kidnapped the victim and also committed sexual intercourse with her forcibly. Referring to the statement of the victim girl recorded under Section 164 of Cr.P.C., learned counsel for the Petitioner submits that the Petitioner was in love with the victim and at her instance he had taken her from her home.

5. Learned counsel appearing for the informant has opposed the prayer for bail by submitting that since the Petitioner is a minor, her consent or otherwise is immaterial.

6. Learned Addl. Standing Counsel for the State has opposed the prayer for bail of the Petitioner by submitting that having regard to the tender age of the victim, the Petitioner does deserves any leniency.

7. Considering the submissions as above, the materials on record and in particular the statement of the victim recorded under Section 164 of Cr.P.C., I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of

the case without fail. Further, he shall not approach, threaten, coerce or pressurize the victim in any manner whatsoever.

8. The BLAPL is disposed of.

9. Urgent certified copy of this order be granted on proper application.

*AKB*

*(Sashikanta Mishra)*  
*Judge*

