

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1857 of 2022

Jalendra Gouda @ Litu

....

Petitioner

Mr. S.K.Rout
Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.5.2022.

Order No.

03.

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. Learned State counsel submitted that notice has been served on the victim on 27th April, 2022. However, there is no appearance from the side of the victim. As such, the Bail application is taken up for hearing.
4. However, there is an unattested endorsement on the body of the notice purportedly made by the victim wherein, she has

submitted her objection to the release of the Petitioner on bail on the ground of danger to her life.

5. The Petitioner is in custody since 26th November, 2021 in connection with Jeypore Town P.S. Case No.313/2021 corresponding to T.R. Case No.9/2022 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Jeypore for the alleged commission of the offence under Sections 341/294/506/363/366/376(3)/511 of I.P.C. read with Section 4(2)/18 of POCSO Act.

6. Though it is alleged that the Petitioner kidnapped the victim and also committed sexual intercourse with her yet, from the statement of victim recorded under Section 164 of Cr.P.C., the above fact is not clearly made out.

7. Having regard to the above facts, the materials on record, the fact of submission of charge sheet and taking into account the period of detention in custody, I am inclined to allow the prayer for bail.

8. 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 not threaten, coerce or pressurize the victim in any manner whatsoever, shall appear before the court below on each date of posting of the case and in case of even a single default, the said court shall pass appropriate orders to take him to custody again.

9. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

