

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1970 of 2022

Surendra Gamango

....

Petitioner

Mr. Ashok Das, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr.S.K.Mishra,

Addl. Standing Counsel

M/s.Manaswini Rout, Advocate
(for the informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
11.5.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.

2. It is submitted that notice has been served upon the victim. M/s. Manaswini Rout, learned counsel appears for the informant by filing Vakalatnama in Court today. The same be kept on record.

3. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State and learned counsel for the informant.

4. The Petitioner is in custody since 15th November, 2021 in connection with R.Udayagiri P.S. Case No.145/2021 corresponding to G.R. Case No.37/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Parlakhemundi for the alleged commission of the offence under Sections 376(2)(n)/506 of I.P.C and Section 6 of the POCSO Act.

5. It is alleged that the Petitioner had love relationship with the victim, who was a minor girl at the time of occurrence, and kept physical relationship with her with promise to marry her. The Petitioner also took her to different places where, both stayed in a rented house. When the victim requested for marriage, the Petitioner refused to do so. Accordingly, the matter was reported to Police. Referring to the statement of the victim recorded under Section 164 of Cr.P.C., learned counsel for the Petitioner submits that only to bring the case within the purview of the POCSO Act, a story has been built up showing relationship between the two for the past three years.

6. Learned counsel appearing for the informant has opposed the prayer for bail by submitting that the victim being a minor at the time of occurrence, her consent is immaterial.

7. Learned State counsel has opposed the prayer for bail by submitting that the Petitioner repeatedly committed sexual intercourse on the pretext of marriage, which he never intended to do.

8. Considering the submissions as above, the materials on record, the period of detention in custody, fact of submission of charge sheet and the statement of the victim recorded under Section 164 of the Cr.P.C., I am inclined to allow the prayer for bail.

9. 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 trial court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

10. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge