

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1973 of 2022

Chandan Malik@Chandan Mallik **Petitioner**
Mr. S.K. Dwibedi, Advocate
-versus-
State of Orissa and another **Opposite Parties**
Ms. S. Mishra, A.S.C.

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
12.05.2022

Order No.
02.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.363/365/366/376(3)/376(2)(n), I.P.C. and Sec.6 of the POCSO Act and Section 9 of the Prevention of Child Marriage Act, 2009.
2. Heard Mr. S.K. Dwibedi, learned counsel for the Petitioner as well as Ms. S. Mishra, learned A.S.C. for the State-Opposite Party.
3. It is submitted that the Petitioner is inside custody since 13.12.2020 and during his release on interim bail, the victim again came to his house and stayed there, for which another case in Itamati P.S. Case No.180/2021 is registered. It is further submitted that as per the statement of the victim recorded under Sec.164, Cr.P.C. in both the cases, the victim has stated her love relationship with the Petitioner and wanted to stay in the house of the Petitioner. The Petitioner is a boy aged about 21 years only.

4. Miss S. Mishra, learned A.S.C. for the State-Opposite Party on the other hand submits that the victim being a girl below the age of 15 years, her statement with regard to willingness to stay with the Petitioner is not acceptable.

5. Upon hearing both parties and considering the statement of the victim recorded under Sec.164, Cr.P.C. and the surrounding circumstances of the case, it is directed to release the Petitioner on bail in connection with Itamati P.S. Case No.145/2020 corresponding to T.R. Case No.24/2021 on such terms and conditions to be fixed by the learned Additional Sessions Judge-cum-Special Judge under the POCSO Act, Nayagarh as he deems just and proper including the condition that the Petitioner shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the court or tamper with the evidence.

6. The BLAPL is disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge