

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2043 of 2022

***Joseph Dillu Nayak @ Joseph
Nayak and another***

....

Petitioners

Mrs. Sujata Jena,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

07.7.2022.

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The Petitioners are in custody since 28th October, 2021 in connection with Baliguda P.S. Case No.220/2021 corresponding to C.T. Case No.78/2021 pending in the court of learned Addl. Judge-cum-Special Judge (POCSO), Phulbani for the alleged commission of the offence under Sections

363/366/368/376-B/323/506 of I.P.C, Section 6 of Protection of Children from Sexual Offences Act.

4. It is alleged that the Petitioners in association with one Chokadola Nayak forcibly abducted the victim in a car and took her to a room where they raped her. The entire act was also video graphed by the associates of said Chokadola Nayak. It is submitted by the learned counsel for the Petitioners that there is no material to show the complicity of the Petitioners in the alleged occurrence. A perusal of the statement of the victim recorded under Section 164 of the Cr.P.C. reveals that there is no mention of the name of either of the Petitioners.

5. Considering the above facts, the materials on record, the period of detention in custody and in particular the statement of the victim recorded under Section 164 of Cr.PC., I am inclined to allow the prayer for bail.

6. Let the Petitioners be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that they shall not approach, threat, coerce or pressurise or make any attempt whatsoever to contact the victim and that they shall appear personally before the trial court below on each date of posting of the case, failing which this order shall be treated as automatically cancelled.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

