

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2217 of 2022

Kalia Sethy @ Ramachandra Sethy **Petitioner**
Mr. P.K. Mishra, Advocate
- Versus -
State of Odisha & Another **Opposite Parties**
Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
29.04.2022

Order No.
3.

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. The Petitioner is in custody in connection with Paradeep Lock P.S. Case No.95/2019 corresponding to Spl. G.R. Case No.29/2019 pending in the court of learned Addl. Sessions Judge-cum-Spl. Judge, Jagatsinghpur for the alleged commission of the offence under Sections 363/366/376(2)(n)/34 of I.P.C read with Section 6 of the POCSO Act.
4. It is alleged that the Petitioner along with two other persons abducted the victim, while she was going to attend call of nature along with her mother, and took her in a car. The further allegation is that the Petitioner gave some substance to the victim consuming which, she lost her consciousness and subsequently found herself in a room where she was sexually assaulted by one of the co-accused persons. Learned counsel for the Petitioner submitted that there is no allegation of sexual assault against the present Petitioner.
5. Learned Counsel for the State has opposed the prayer for bail by submitting that the Petitioner was very much part of the group

that had jointly committed the occurrence.

6. Mr. S. Mohanty, learned counsel appearing for the informant, has also opposed the prayer for bail by submitting that the occurrence took place on the full planning and participation of each of the accused persons and, therefore, all of them are equally liable.

7. Considering the submissions as above and particularly looking at the statement of the victim recorded under Section 164 of the Cr.P.C., which clearly reveals that the present Petitioner had not sexually assaulted her, 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 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 without fail and in case of any single default, the said court shall pass appropriate orders to take him to custody again.

8. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge

A.K. Rana