

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2418 of 2022

Ram Chandra Baskey @ Petitioner
Pintu

Mr. B.K. Sharma, Advocate

-versus-

1. State of Odisha
2. Smt. Sita Majhi Opp. Parties

Mr. Arupananda Das,
Addl. Government Advocate
Mr. S. Dwibedi
(for informant)

CORAM:
JUSTICE S.K. SAHOO

ORDER
22.11.2022

Order No.

06. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State so also learned counsel for the informant.

This is an application for bail under section 439 of Cr.P.C. in connection with Jharpokhria P.S. Case No.213 of 2020 corresponding to C.T. Case No.126 of 2020 pending in the Court of learned Presiding Officer, Special Court under POCSO Act, Mayurbhanj for offences punishable under sections 341/363/294/506/376(3)/34 of the Indian Penal Code read with

section 6 of the POCSO Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 24.10.2020 and his earlier bail application in BLAPL No.49 of 2021 was rejected as per order dated 07.04.2021 mainly relying on the 164 Cr.P.C. statement of the victim and her age and liberty was granted to the petitioner to renew the prayer for bail after examination of the victim in the trial Court. Learned counsel further submitted that in the meantime, trial has commenced and six witnesses have been examined including the victim and her parents and the materials available on record indicate that the petitioner and victim were having love affairs and it is a case of elopement. Learned counsel further submitted that in view of the nature of evidence adduced by the victim in the learned trial Court, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State so also learned counsel for the informant opposed the prayer for bail on the ground that the victim was aged about sixteen years as on the date of occurrence.

Perused the evidence of the victim was examined as P.W.2.

Considering the submissions made by the learned counsel for the respective parties, the nature of

accusation against the petitioner, the nature of evidence adduced by the victim in the trial Court, slow progress in the trial and the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge