

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2456 of 2022

Chagu @ Chaga @ Uttam Kumar Jena **Petitioner**

Mr. S.J. Mohanty, Advocate

- Versus -

State of Odisha **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
04.04.2022**

Order No.

1.

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 since 27.01.2022 in connection with Marsaghai P.S. Case No.16 of 2022 corresponding to G.R. Case No.9 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Kendrapara for the alleged commission of the offence under Sections 363/366/366-A/376(2)(n) of IPC read with Section 6 of POCSO Act.
4. The materials on record which include the statement of the victim recorded under Section 161 Cr.P.C. clearly reveal that the petitioner and the victim had love relationship and the victim had eloped with him on her own will. That apart, the medical examination report does not support the allegation of commission of forcible sexual intercourse.
5. Taking into consideration all the above facts, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall

personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

