

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2485 of 2022

Binayak Gouda

....

Petitioner

Mr. S.K. Dash, Advocate

- Versus -

State of Odisha & Another

.... **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.04.2022

Order No.

4.

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 04.07.2021 in connection with Bhanjanagar P.S. Case No.137 of 2021 corresponding to G.R. Case No.67 of 2021 pending in the Court of learned Addl. District & Sessions-cum- Special Judge under POCSO Act, Ganjam for the alleged commission of offence under Sections 376(3)/376(2)(n) of IPC read with Section 3(1)(w)(i)/3(2)(v) of SC & ST (POA) Act and Section 6 of POCSO Act.
4. The prosecution case is that the petitioner had a love relationship with the victim and taking advantage of the same, maintained physical relationship against her will. Subsequently, he took her to a temple and married her. As it appears, the victim herself being examined as witness in the Court below has not supported the case of the prosecution.
5. Having regard to the above facts and period of detention in custody, 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

