

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2497 of 2022

Sagar Goud @ Shankar

.... ***Petitioner***

Mr. M.Chand,
Advocate

-versus-

State of Odisha and another

.... ***Opposite Parties***

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.4.2022.

Order No.

04.

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 9th January, 2021 in connection with Bhawanipatna Town P.S. Case No.4/2021 corresponding to C.T. Case No.11/4 of 2021 (POCSO) pending in the court of learned Addl. Sessions Judge-cum-Spl. Court under POCSO Act, Bhawanipatna for the alleged commission of the offence under Sections 363/366/376(2)(n) of

the I.P.C. read with Section 6 of POCSO Act read with Section 3(2)(v) of S.C. and S.T. (P.A.) Act.

4. The allegation is that the Petitioner kidnapped the minor daughter of the informant and committed forcible sexual intercourse with her against her will. The statement of the victim recorded under Section 161 of Cr.P.C. reveals that she had willfully left home with the Petitioner with whom she had love relationship. That apart, as submitted by learned counsel for the Petitioner, the medical examination report of the victim does not support the prosecution allegation.

5. Having regard to the above facts and the 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 may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of the case without fail.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

