

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2701 of 2022

Samel Digal

....

Petitioner

Mr. P.C. Sejpada, Advocate

- Versus -

State of Odisha

....

Opp. Party

Mr. S. Choudhury,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

23.08.2022

Order No.
08.

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 18.01.2022 in connection with Phiringia P.S. Case No.106 of 2021 corresponding to C.T. Case No.57 of 2021 pending in the Court of learned Addl. District Judge (POCSO), Phulbani for the alleged commission of offence under Sections 376(2)(n)(3)/313/323/506/34 of IPC read with Section 6 of POCSO Act.
4. It is alleged that the petitioner forcibly committed sexual intercourse on the victim against her will. In the meantime however, the victim having attained majority has married the petitioner in a church. Copies of the documents showing the marriage having taken place and filed by the informant along with an affidavit in this Court. As directed, the informant and the victim have appeared virtually with the assistance of the Secretary, DLSA, Phulbani. On being asked, both the informant as well as the victim disclosed that the victim has in fact married the

petitioner in the church as per the documents enclosed.

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 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

