

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2805 of 2022

Manoj @ Sritam Naik

...

Petitioner

Mr. S.R. Das, Advocate

-versus-

State of Orissa

...

Opposite Party

Mr. S.R. Roul, ASC

Mr. S. Sethi, Adv. (Informant)

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
23.12.2022**

Order No.

08.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with Spl. G.R. Case No.112 of 2021 arising out of Purighat P.S. Case No.164 of 2021 pending in the file of learned Additional Sessions Judge-Cum-Special Court under POCSO Act, Cuttack for commission of offences punishable under Sections 363/366/313/506/376(2)(n) of IPC read with Section 6 of POCSO Act, on the main allegation of committing rape and aggravated penetrative sexual assault upon the victim.
3. In the course of hearing of the bail application, Mr. S.R. Das, learned counsel for the petitioner by filing the surrender certificate submits that the petitioner has already surrendered to custody and the petitioner and the victim has already married to

each other and out of their wedlock, they are blessed with a child and, therefore, the petitioner having already suffered incarceration for near about one year has been sufficiently punished. On the aforesaid submission, learned counsel for the petitioner prays to grant bail to the petitioner.

4. Mr. Santosh Sethi, learned counsel for the informant submits that the victim has no objection, if the petitioner is released on bail and he also submits that the petitioner and the victim has already married to each other.

5. On the other hand, Mr. S.R. Roul, learned ASC also submits that the petitioner and the victim had eloped and they have got married to each other.

6. In view of the aforesaid submissions and taking into consideration the nature and gravity of accusations raised against the petitioner and taking into consideration the pre trial detention of the petitioner, this Court admits the petitioner to bail.

7. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference

to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

8. Accordingly, the BLAPL stands disposed of.
9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

