

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3072 of 2022

Rabindra Mohanta

....

Petitioner

Mr. T.K. Mishra, Advocate

- Versus -

State of Odisha and another

.... **Opposite Parties**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.05.2022

Order No.
10.

1. This matter is taken up through hybrid mode.
2. State Counsel submits that though notice on the victim has already been served on 11.03.2022, there is however, no appearance from her side. Hence, the bail application is taken up for hearing.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 25.09.2019 in connection with Kalinganagar P.S. Case No.163 of 2019 corresponding to C.T. Spl. (POCSO) Case No.135 of 2019 pending in the Court of learned Addl. District and Sessions Judge-cum-Special Judge, Jajpur for the alleged commission of offence under Sections 363/376(2)(n)/376(3) of IPC read with Section 3(2)(va) of SC & ST(POA) Act and Section 6 of POCSO Act.
5. The prosecution allegation is that the petitioner took the victim girl on a motor cycle and committed rape on her in a nearby jungle and thereafter took her to his village, there he kept the victim in the house of his aunt and also committed rape on her. On the next morning, he left the victim at Duburi Chhak and advised

her to proceed to her house, where she was rescued by her brother and mother.

6. Having regard to the submissions made, the materials on record, the period of detention in custody and the statement of the victim recorded under Section 161 Cr.P.C. 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.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

