

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3453 of 2022

Artatrana Mallik

....

Petitioner

Mr.Santosh Ku. Mohanty, Advocate

-versus-

State of Odisha & another

....

Opposite Parties6

Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Jajpur Road P.S. Case No.89 of 2022 corresponding to C.T.Spl/(POCSO) No.18 of 2022 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Jajpur for commission of an alleged offence under Sections 363,376(2)(n) of the of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 15.03.2022. Relying upon the statement of the victim recorded under section 164 Cr.P.C., learned counsel for the Petitioner submits that the victim was working in a company where the Petitioner was also working. On getting the news that the Company is going to close down, the victim went away with

the Petitioner and they were staying together. Further the victim states that she has love with the Petitioner and they were staying together on their consent. Further, it is submitted by the learned counsel for the Petitioner that the age of the victim is 17 years and some months. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Kendrapara district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that even if accepting the 164 Cr.P.C. statement of the victim and accepting the fact that the relationship was consensus the victim has not completed the age of 18 years. Therefore, the Petitioner should not be enlarged on bail and the alleged offence is well made out against the Petitioner.

7. Considering the aforesaid submissions and keeping in view the entire facts of the case and the nature of allegations and the statement of the victim recorded under section 164Cr.P.C., this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.

- iii) shall not indulge in any offence of similar nature
 - iv) shall not tamper with the prosecution evidence while on bail.
 - v) shall not influence or threaten any prosecution evidence while on bail.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

