

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3457 of 2022

Purusottam Rana

....

Petitioner

Mr. S.K. Tripathy, Advocate

-versus-

State of Odisha and another

....

Opp. Parties

Mr. P.K. Pattanaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

27.10.2022

Order No.

- 04.
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.88 of 2021 arising out of Belpada P.S. Case No.160 of 2021 pending in the file of learned Spl. Judge POCSO, Balangir for commission of offences punishable under Sections 363/365/366/343/376(3)/376(2)(n)/506 of IPC read with section 6 and 17 of POCSO Act, on the allegation of kidnapping and committing rape and aggravated penetrative sexual assault upon the victim as well as threatening him.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner has been detained in custody since 11.08.2021 and since the victim has left her house out of her own volition, no criminal liability can be fastened against the petitioner. It is also submitted by learned counsel for the petitioner that after completion of investigation, in the meantime charge-sheet has already been submitted and there is hardly any chance of tampering of evidence by the petitioner and the petitioner being a

innocent boy, may kindly be allowed to go on bail.

4. On contrary, learned counsel for the State by placing the statement of the victim submits that it is a clear case of forcible sexual assault upon the victim by the petitioner and the petitioner thereby is not entitled to be released on bail.

5. None appears on behalf of the informant despite duly noticed as submitted.

6. Considering the rival submissions of the parties and taking into consideration the pre trial detention of the petitioner since 11.08.2021 and other circumstance in this case and the fact that the charge-sheet has already been submitted in this case and no material has placed on record to suggest tampering of witnesses or absconding by the petitioner, this Court considers the bail application of the petitioner leniently.

7. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each 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 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.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge