

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.290 2022

Alok Swain

.... Appellant

Mr. R.Prusty, Advocate

-versus-

State of Odisha and another

.... Respondents

Mr.R.Tripathy, A.S.C.

Mr. S. Mohanty, Advocate
(For informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
06.12.2022.

Order No.

05. 1. This matter is taken up through hybrid mode.
2. Heard Mr. R. Prusty, learned counsel for the Appellant, Mr. S. Mohanty, learned counsel for the informant and Mr. R.Tripathy, learned Addl. Standing Counsel for the State.
3. The Appellant is in custody since 27th June, 2021 in connection with Balikuda P.S. Case No.245/2021 corresponding to C.T. Case No.75/2021 pending in the court of learned Addl. District and Sessions Judge, FTSC (POCSO), Jagatsinghpur for the alleged commission of the offence under

Sections 420/328/376(2)(n)/294/323/506 of I.P.C. and Section 3(1)(n) and Section 3(2)(v) of the S.C. and S.T. (P.A.) Act.

4. It is alleged that the Appellant forcibly committed sexual intercourse with the victim and also took naked photographs. The victim is a married lady with two children. Learned counsel for the Appellant submits that the relationship was entirely consensual in nature as the victim in her evidence has admitted to have had multiple sexual intercourse with the accused prior to the occurrence.

5. Considering the nature of accusations and particularly, the evidence of the victim herself, I am inclined to direct release of the Appellant on bail. Let the Appellant be released on bail on such terms and conditions as may be fixed by the Court in seisin over the matter in the aforesaid case including the condition that he shall not misuse the liberty granted to him.

6. The CRLA is accordingly disposed of.

7. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

AKB