

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3537 of 2022

Harita Tandi and another

.... Petitioners

Mr. S.N.Mishra-4,
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.7.2022.

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Learned State counsel submits that notice on the victim/informant has already been served on the victim on 6th June, 2022. However, there is no appearance from her side. As such, the Bail Application is taken up for hearing
3. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
4. The Petitioners are in custody since 4th April, 2022 in connection with Kesinga P.S. Case No.42/2022 corresponding

to C.T. Case No.42/31 of 2022 (POCSO) pending in the court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for the alleged commission of the offence under Sections 363/366/376(2)(n)/376(2)(f)/376(3) of I.P.C. and Section 17 of the POCSO Act.

5. The Petitioners are the parents of one Amit Tandi, who is the principal accused in the case having abducted the victim and also marrying her forcibly. It is submitted that there is no allegation whatsoever against the present Petitioners except for the fact that the victim was found in their house. From the statement of the victim recorded under Section 164 of Cr.P.C., it is clearly revealed that she had love relation with the principal accused, they had gone to different places and also had physical relationship. In so far as the present Petitioners are concerned, except for the fact that the victim was recovered from their house, there is no other allegation against them.

6. Considering the submissions as above, the materials on record, and the period of detention in custody, I am inclined to allow the prayer for bail. Let the Petitioners be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that they shall appear personally before the court below on each date of posting of the case without fail.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

