

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3538 of 2022

***Dipuna Behera @ Sudarsana
Pattanaik***

.... ***Petitioner***

Mr. C.Mohanty,
Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.K.Maharaj,
Addl. Standing Counsel

Mr. S.P.Dash, Advocate
(for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.7.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.

2. Learned State counsel submits that notice on the victim has already been served on the victim/informant. Mr. Sarada Prasad Dash, Advocate entered appearance for the victim/informant by filing Vakalatnama in Court today. The same be kept on record.

3. Heard learned counsel for the Petitioner, learned counsel appearing for the informant and learned Addl. Standing Counsel for the State.

4. The Petitioner is in custody since 3rd February, 2022 in connection with Jagatsinghpur P.S. Case No.560/2021 corresponding to Spl.G.R. Case No.03/2022 pending in the court of learned Addl. District and Sessions Judge, Jagatsinghpur for the alleged commission of the offence under Sections 363/366/376(3)/506 of I.P.C. and Section 6 of the POCSO Act.

5. It is alleged that the Petitioner kidnapped the victim and took her to different places and also forcibly committed sexual intercourse on her. However, the statement of the victim recorded under Section 164 of Cr.P.C. reveals an entirely different story. Learned counsel for the Petitioner submits that in view of the clear admission made by the victim regarding consensual nature of the relationship, the Petitioner should not have been implicated in the case.

6. Learned counsel appearing for the informant/victim submits that the Petitioner has been trying to disturb the victim by repeatedly calling her on mobile.

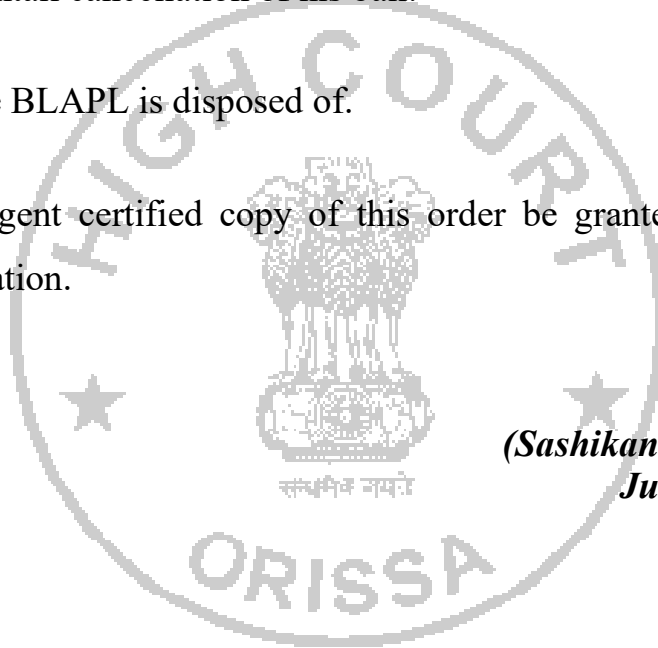
7. Considering the submissions as above, the materials on record, the period of detention in custody and in particular the statement of the victim recorded under Section 164 of Cr.P.C.,

I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear personally before the court below on each date of posting of the case without fail. Further, he shall not approach, threaten, coerce or pressurize the victim in any manner whatsoever and shall also not contact her over phone. Violation of any of the conditions shall entail cancellation of his bail.

8. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge