

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3551 of 2022

Debasish @ Debashis Behera

....

Petitioner

Mr. D. Sethy
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
12.7.2022.

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. It is submitted that notice has been served upon the victim. However, there is no appearance on behalf of the victim. Hence, the Bail Application is taken up for hearing.
 3. Heard learned counsel for the Petitioner learned Addl. Standing Counsel for the State.
 4. The Petitioner is in custody since 29th November, 2021 in connection with Town P.S. Case No.278/2021 corresponding to

Special Case No.317/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge Balasore for the alleged commission of the offence under Sections 363/365/376(2)(n)/376 (3)/506/34 of I.P.C and Section 6 of the POCSO Act.

5. It is alleged that the Petitioner abducted the victim, who was a minor girl aged about 16 years, and took her to a Hotel where he raped her repeatedly. It is submitted that the victim had accompanied the accused on her own volition and the allegation of rape is entirely false. Submissions as above, prima facie, finds support from the statement of the victim herself recorded under Section 164 of Cr.P.C. as well as the medical examination report of the victim which does not reveal any sign or symptom of sexual intercourse much less of any forcible intercourse.

6. Considering the above facts, the materials on record and the period of detention in custody, 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 trial court 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

