

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3572 of 2022

Jitendra Kumar Jena

....

Petitioner

Mr. S.K.Dash,
Advocate

-versus-

State of Odisha and another

....

Opposite Parties

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

Mr. P.S.Das, Advocate
(for O.P.No.2)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.7.2022.

Order No.

02.

1. This matter is taken up through hybrid mode.
2. The Opposite Party No.2 entered appearance through Shri P.S.Das. Shri Das has already filed Vakalatnama.
3. Heard learned counsel for the Petitioner, learned counsel appearing for Opposite Party No.2 and learned Addl. Standing Counsel for the State.

4. The Petitioner is in custody since 7th August, 2021 in connection with Jenapur P.S. Case No.217/2021 corresponding to C.T. Spl. (POCSO) No.109/2021 pending in the court of learned Special Judge-cum-Addl. Sessions Judge, Jajpur for the alleged commission of the offence under Sections 363/366/376(2)(n)/376(3) of I.P.C. and Sections 4(2) and 6 of the POCSO Act.

5. It is alleged that the Petitioner kidnapped the victim, who is a minor girl, and forcibly committed sexual intercourse on her. It is submitted that the relationship between the Petitioner and the victim was clearly consensual in nature and that a false case has been foisted against him.

6. Learned counsel appearing for Opposite Party No.2 has opposed the prayer for bail by submitting that looking at minor age of the victim, the Petitioner should not be released on bail.

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.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

