

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3625 of 2022

Satyendra Prasad Swain

....

Petitioner

Mr. P.K. Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

22.07.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for the informant.
3. The registry is requested to tress the Vakalatnama of learned counsel Mr. D.N. Pattnaik, and tag the same with the file.
4. The petitioner is an accused in C.T. Case No.1154 of 2022 corresponding to T.R. Case No.81 of 2022, on the files of learned Additional Sessions Judge-cum-Special Judge, (POCSO), Bhubaneswar, arising out of Bharatpur P.S. Case No.65 of 2022, under Sections 363/366/376(2)(n) of IPC read with Section 6 of POCSO Act and is in custody since 11.03.2022.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhubaneswar by order dated 11.04.2022 in the aforementioned case, the present BLAPL has been filed.

6. Learned counsel for the petitioner submits that even accepting the prosecution accusation at its face value, no case under Section 376(2)(n) of IPC is made out.

7. Learned counsel for the informant has placed on record an affidavit wherein, it is inter alia stated that the informant and her family have been threatened.

8. Considering the tenor of the 164 statements and that in the meanwhile charge sheet has already been filed, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin of the matter.

9. The learned Court below shall further direct that the petitioner shall appear before the jurisdictional Police Station once every week till the conclusion of trial and shall not in any way threaten the victim or her family and same shall be ensured by the concerned IIC.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi