

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3913 of 2022

Tapan Kumar Majhi

.... **Petitioner**
Mr. D. Dash, Advocate

- Versus -

State of Odisha & Another

.... **Opposite Parties**
Mr. S. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.07.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. Learned State counsel informed that notice on the victim/informant has been served on 19.06.2022. There is however, no appearance from her side. As such, the bail application is taken up for hearing.
4. The petitioner is in custody since 09.12.2021 in connection with Jaipatna P.S. Case No.371 of 2021 corresponding to C.T. Case No.357/111 of 2021 (POCSO) pending in the Court of learned Addl. Sessions Judge-cum-Special Judge under POCSO Act, Bhawanipatna for the alleged commission of offence under Section 363/376(3) of IPC read with Section 6 of POCSO Act.
5. It is alleged that the petitioner kidnapped the victim, who is a minor girl aged about 15 years, and took her initially to Umarkote and thereafter to Bangalore. It is submitted that the allegation is entirely false as the victim willfully accompanied the petitioner to the aforementioned places.

6. A perusal of the statement of the victim recorded under Section 164 Cr.P.C. clearly reveals that though they were residing as husband and wife, yet there was no physical relationship between them.

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 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 the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

