

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4263 of 2022

Tikan Behera

.... ***Petitioner***
M/s. A.K.Nath, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.S.R.Roul, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

17.11.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Talcher P.S. Case No.389 of 2021 corresponding to Special (POCSO) Case No.38 of 2022 pending in the Court of learned Addl. District Judge-cum-Special Court, Angul for commission of offence punishable U/Ss. 363/376(2)(n) of the I.P.C. read with Section 6 of POCSO Act on the allegation of kidnapping and committing rape and aggravated penetrative sexual assault upon the victim.
 3. In the course of hearing of the bail application, Mr.A.K.Nath, learned counsel for the petitioner submits that the petitioner is innocent of the offences and he has not committed any offence, rather it is a case of elopement in which the victim has voluntarily joined with the petitioner and the allegation of forcible sexual assault upon the victim against the petitioner is out and out false. It is further submitted that the petitioner is ready and willing to marry the victim after she attains majority and the petitioner having been detained in custody is suffering a lot and, therefore, the petitioner may kindly be

released on bail on any condition.

4. On the contrary, learned counsel for the State, however, strenuously opposes the bail application of the petitioner by inter alia submitting that the victim was aged about 16 years at the time of occurrence and she was allegedly raped by the petitioner. It is, accordingly, prayed by learned counsel for the State to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and character of accusations available against the petitioner and taking into consideration the other circumstance in the entirety and regard being had to the statement of the victim and the period of custody of the petitioner in jail, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

