

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4428 of 2022

Sunil Kumar Moharana

.... ***Petitioner***
Mr. G. Mishra, Advocate

-versus-

State of Odisha and another

.... ***Opp. Parties***
Mr. M. Mishra, ASC

CORAM:
JUSTICE G. SATAPATHY

ORDER
03.11.2022

Order No.

- 05.
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 Niali P.S. Case No.125 of 2022 corresponding Spl. G.R. Case No.36 of 2022 pending in the Court of learned Additional Sessions Judge-Cum-Special Judge, POCSO, Cuttack for commission of offences punishable under Sections 376(AB) of I.P.C. and Section 6 of POCSO Act on the allegation of pressing the chest of the victim as well as fingering in her private part.
 3. In the course of hearing of the bail application, learned counsel for the petitioner by placing an affidavit sworn in by the informant submits that the matter has already been amicably settled between the parties and the further detention of the petitioner in custody would aggravate the situation as well as relationship between the parties and the allegation on record discloses about touching of some inappropriate part of the victim by the petitioner and the petitioner

having detained in custody since 23.03.2022 may kindly be enlarged on bail.

4. On contrary, learned counsel for the State opposes the bail application of the petitioner vehemently and he inter alia contends that the procurement of an affidavit itself go to indicate that the petitioner is in a position to tamper the evidence of the witnesses and the allegations on record would go to disclose serious allegation against the petitioner.

5. Learned counsel for the informant submits that the matter has already been amicably settled between the parties.

6. Considering the rival submissions advanced on behalf of the parties and taking into consideration the allegations levelled against the petitioner and the fact that the affidavit of the informant filed on behalf of the petitioner itself tantamount to tampering of the evidence on behalf of the petitioner and regard being had to the statement of victim as also her age, this Court is not inclined to grant bail to the petitioner.

7. Hence, the prayer for bail of the petitioners stand rejected.

8. Accordingly, the BLAPL stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge