

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4509 of 2022

Suresh Das

.... ***Petitioner***
Mr.C.R.Das, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
4. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Badambadi P.S.Case No.122 of 2022 corresponding to Spl. G.R.Case No.53 of 2022 pending in the Court of the learned A.D.J.-cum-Special Court under POCSO Act, Cuttack for commission of an alleged offence under Section 363,354-A of the Indian Penal Code read with Section 8 of POCSO Act.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 06.05.2022. It is further contended by the learned counsel for the Petitioner that the Petitioner and the victim are in love and the victim went to the house of the petitioner and the parents of the Petitioner are ready and willing to keep the victim as their daughter-in-law giving the Petitioner in marriage

with her and the victim is also ready and willing to marry the Petitioner. It is submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Kendrapara district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and he is ready and willing to abide by the conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the victim is aged about 17 years of age. Accordingly, learned Additional Standing Counsel urges rejection of the bail application of the Petitioner.

7. Having heard learned counsel for the parties and considering the nature and gravity of the allegation made in the F.I.R. as well as the custodial detention of the Petitioner this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall not indulge in similar nature of offence;
- ii) he shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
- iii) he shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
- iv) he shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;

- v) he shall appear before the Investigating Officer as and when required for the purpose of investigation.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

