

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4598 of 2022

Jitendra Biswal @ Lulu* *Petitioner

Mr. Trilochan Nanda, Advocate

-versus-

1. State of Odisha

2. Madhuri Padhan

.... Opp. Parties

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
29.07.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Special G.R. Case No.05 of 2021 arising out of Bolangir Town P.S. Case No.27 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Special Court (POCSO), Bolangir for offences punishable under sections 376(2)(n)/417/354(C)/354(D) of the Indian Penal Code, section 6 of the POCSO Act and section 66(E) of the Information Technology Act.

The petitioner moved an application for bail

before the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Bolangir, which was rejected on 09.05.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 21.01.2021 and his earlier bail application in BLAPL No.2649 of 2021 was rejected as per order dated 27.09.2021 mainly relying on the 164 Cr.P.C. statement of the victim and liberty was granted to the petitioner to renew the prayer for bail after examination of the victim in the trial Court. Learned counsel further submitted that in the meantime, the victim has already been examined as P.W.3 and she stated that the petitioner expressed his love to her and she accepted the proposal of love and thereafter, the petitioner was regularly visiting her and keeping physical relation with her till the year 2019 when he refused to marry her. Learned counsel further submitted that in view of the nature of evidence adduced by the victim in the learned trial Court, the bail application of the petitioner may be favourably reconsidered. The certified copy of the deposition filed is taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of

accusation against the petitioner, the nature of evidence adduced by the victim in the trial Court and the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge