

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5004 of 2022

Balaram Nayak @ Buna

....

Petitioner

Mr. T.K. Mohanty, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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. The petitioner is in custody since 10.08.2021 in connection with Khurda Model P.S. Case No.311 of 2021 corresponding to T.R. Case No.332 of 2021 pending in the Court of learned 4th Addl. Sessions Judge-cum-Special Judge, (POCSO), Bhubaneswar for the alleged commission of offence under Sections 376(2)(n)/506/385 of IPC read with Section 6 of POCSO Act, 66(E), 67(B) of Information Technology Act.
4. It is alleged that the petitioner committed rape of the victim and circulated her nude photographs in social media.
5. It is submitted that the victim has herself admitted to have met with the petitioner even after the first occurrence, which suggests that their relationship was consensual in nature. It is further submitted that the nude photographs of the victim have since been seized by the Investigating Agency.
6. There is some force in the submission as above, as would be evident from perusal of the statement of the victim recorded under

Section 164 of Cr.P.C.

7. Considering the submissions as above, the materials on record, the period of detention in custody as also the statement of the victim recorded under Section 164 of 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

