

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5090 of 2022

Shyam Sundar Patel

....

Petitioner

Mr. B.K.Ragada
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K.Maharaj
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

11.7.2022.

Order No.

02.

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 2nd April, 2022 in connection with Lephripada P.S. Case No.56/2022 corresponding to Special G.R. Case No.56/2022 pending in the court of learned ADJ-cum-P.O. Special Court (POCSO), Sundargarh for the alleged commission of the offence under Section 305 of I.P.C. and Section 10 of the POCSO Act.

4. The allegation is that the Petitioner who was the Headmaster of Patuadihi High School, used to sexually exploit the inmates of the Girls' Hostel and attempted to commit several unethical acts by calling them to his house. Being harassed thus, the deceased, who was the student of Class-X and an inmate of the said Hostel, jumped from the roof of the hotel and committed suicide.

5. Mr. B.K.Ragada, learned counsel for the Petitioner, forcefully contends that the basic ingredients of the offence under Section 305 of the I.P.C. are not made out inasmuch as there is not even a semblance of evidence to show that the Headmaster had any role whatsoever to play in the alleged suicide committed by the deceased. Moreover, if according to the prosecution, there were complaints against the Head Master's conduct prior to the occurrence, it does not stand to the same as to how her parents could allow her to stay in the same Hostel again.

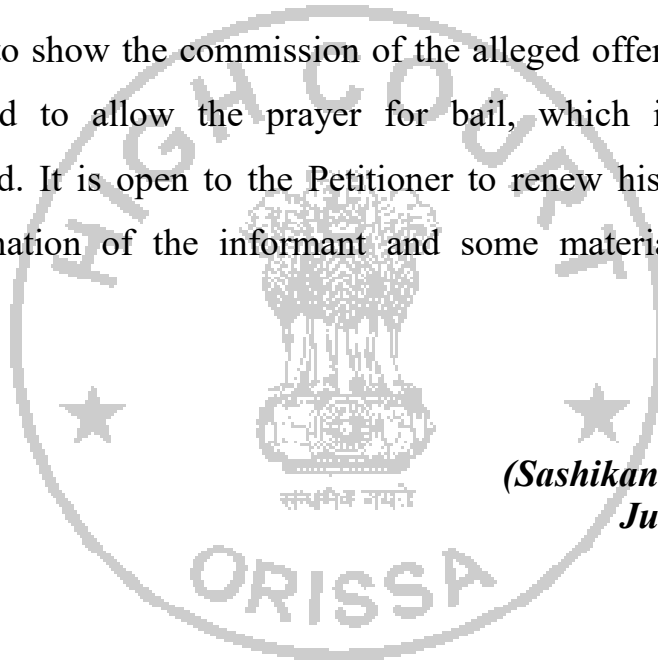
6. Mr. G.C. Swain, learned counsel appearing for the informant, has opposed the prayer for bail by submitting that there are enough materials on record to show the complicity of the Petitioner in the alleged occurrence.

7. Mr. P.K.Maharaj, learned Addl. Standing Counsel, has opposed the prayer for bail by submitting that the Petitioner's conduct was enquired into in the past by order of the District Education Officer, but because of lack of cooperation of the

teachers, the allegation could not be proved. However, he has referred to the statement of the father of the deceased before whom the deceased had revealed about the conduct of the Headmaster. Mr. Maharaj has also referred to the statements of some of other girl students, who have spoken about the Headmaster's conduct and role in the alleged occurrence.

8. Considering the rival submissions and the materials on record as also in view of the fact that there are materials, prima facie, to show the commission of the alleged offence, I am not inclined to allow the prayer for bail, which is, therefore, rejected. It is open to the Petitioner to renew his prayer after examination of the informant and some material witnesses.

AKB



(Sashikanta Mishra)
Judge