

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5109 of 2022

Sunil Bhainsa

....

Petitioner

Mr. M.K. Chand Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S. Mishra, Addl. Standing Counsel
Mr. D.P. Mishra, Advocate (For informant)

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 21.04.2022 in connection with Reamal P.S. Case No.158 of 2021 corresponding to Spl. G.R. Case No.16 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Spl. Judge, Deogarh for the alleged commission of offence under Sections 376(2)(n)/376(3)/294/313/506/507 of IPC read with Section 4(2) & 6 of POCSO Act.
4. It is alleged that the petitioner had a relationship with the victim and took her to Hyderabad where they stayed for sometime. The victim became pregnant but her pregnancy was aborted at the instance of the petitioner.
5. It is submitted that the victim is a major girl aged about 20 years and the materials on record clearly reveal that the relationship between them is consensual in nature.
6. Learned counsel appearing for the informant has opposed the prayer for bail and submitted that if released, the petitioner may

harm the victim as he has threatened her in past.

7. Learned Addl. Standing Counsel has also opposed the prayer for bail by submitting that having regard to the apprehension of the victim, no leniency should be shown to him.

8. I have considered the rival submissions and also prima facie material including the statement of the victim recorded under Section 164 Cr.P.C.. There is considerable force in the submission of learned counsel for the petitioner regarding the nature of relationship being consensual. In such view of the matter, 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 not approach, threaten, coerce, influence or make any contact either physical or otherwise with the victim in any manner whatsoever. He shall not try to gain over the witnesses. He shall personally appear before the trial court on each date of posting of the case and in case of even a single default, the Court below shall pass appropriate orders to take him to custody again.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana