

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.267 of 2021

Kishore Senapati

....

Appellant

Mr. S. Tibrewal, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

10.02.2022

Order No.

07. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned counsel for the State.
4. The appellant-petitioner is an accused in Dhama P.S. Case No.26 of 2021 corresponding to Special G.R. Case No.14 of 2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge (POCSO Act), Sambalpur for commission of offence under Sections 366, 376 (2)(n), 376(3)/109 of the IPC read with Sections 6 and 17 of the POCSO Act and Sections 3(1)(w)(ii) and 3(2)(v)(r) of the SC and ST (PA) Act.
5. The prosecution case is that the informant lodged an FIR on 14.02.2021 alleging that her daughter fled away from the house without the knowledge of her family members.
6. The learned counsel for the petitioner submits that the petitioner is not named in the FIR nor in the statement recorded under Section 164 Cr.P.C. of the victim. The petitioner was running a tailoring shop and the principal accused was a staff. Because of the

association with the principal accused, the petitioner has been implicated in the present case. There is no criminal antecedent against the present petitioner. He is in custody since 11.03.2021. Therefore, the petitioner may be released on bail.

7. Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

8. In view of the aforesaid submissions and in view of the facts of the case, the CRLA is allowed.

9. Let the petitioner-Kishore Senapati be released on bail in the aforesaid case by the court in seisin over the matter on such terms and conditions as deemed just and proper with further conditions that:-

9.i. he shall appear before the trial court on each date of posting of the case till completion of trial;

9.ii. he shall not intimidate or coerce or create any kind of disturbance to the life of the victim or her family members.

9.iii. he shall not indulge in any kind of criminal activity during the bail period.

10. The CRLA is disposed of.

11. Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge