

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4360 OF 2021

Lohit Chhachhan

***..... Petitioner
Mr. S.K. Panda, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Miss S. Mishra, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
05.04.2022**

Order No.

04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Special G.R. Case No. 15 of 2021 corresponding to Sundargarh Town P.S. Case No. 43 of 2021, pending on the file of the learned Addl. District Judge-Cum-Presiding Officer, Special Court (POCSO), Sundargarh for the alleged commission of offence under Sections-363/376(2)(n)/506 of IPC and r/w. Section-6 of the POCSO Act and is in custody since 30.05.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. District Judge-Cum-Presiding Officer, Special Court (POCSO), Sundargarh I/c. by Order dtd. 03.06.2021, the present BLAPL has been filed.

4. Heard Mr. S.K. Panda, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State.

5. Learned counsel for the petitioner submits that since charge-sheet has already been filed on 05.04.2021, his further detention is not warranted in the case at hand. It is also stated that from the tenor of the statement recorded under Section-164 Cr.P.C., it is clearly borne out that the victim had consensual relationship.

6. Learned counsel for the State rebuts such submission and opposes the prayer for bail.

7. Perused the 164 Cr.P.C statement of the victim as well as her Medical Examination Report and considering that the charge-sheet has already been filed and the petitioner is in custody since 30.05.2021, this Court directs the petitioner to be released on bail, on such terms to be fixed by the learned Court in seisin of the matter, including the conditions that, he shall appear in person before the jurisdictional police station once every month. The date of which shall be fixed by the learned Court below.

8. Violation of the conditions of appearance before the Police Station, shall entail cancellation of the bail.

9. The Bail Application thus stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V.Narasingh)
Judge