

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5437 of 2022

Prabhakar Herna

....

Petitioner

Mr. M. Chand
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.6.2022.

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 22nd May, 2022 in connection with Bhawanipatna Sadar P.S. Case No.29/2016 corresponding to C.T. Case No.5/2016 (POCSO) pending in the court of learned Addl. Sessions Judge-cum-Spl. Court under POCSO, Bhawanipatna for the alleged commission of the offence under Sections 376(1)/417 of I.P.C. and Section 4 of the POCSO Act and Section 3(2)(va) of SC and ST (P.A.) Act.

4. It is alleged that the Petitioner committed forcible sexual intercourse with the victim against her will. It is submitted that the Petitioner and the victim had love relationship since 2016 and, therefore, their relationship was purely consensual in nature.

5. Considering the submissions as above, the materials on record, the period of detention in custody and in particular the statement of the victim recorded under Section 161 of Cr.P.C. as also taking into consideration the medical examination report, I am inclined to allow the prayer for bail.

6. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is disposed of.

8. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

