

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4470 of 2021

Anil Mahanandia

..... Petitioner

Ms. S. Mohanty, Advocate

-versus-

State of Orissa

..... Opp. Party

Mr. P.K. Pattnaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

16.11.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the petitioner for grant of bail in connection with C.T. Case No.19 of 2017, subsequently the case relating to Special Case No.22 of 2017 (POCSO Act) arising out of Baunsuni P.S. Case No.06 of 2017 pending in the file of learned Sessions Judge-cum-Special Judge, Boudh for commission of offences punishable under Sections 341/417/363/365/366/376(2)(n) of IPC read with Section 4 and 6 of POCSO Act, on the allegation of committing rape and aggravated penetrative sexual assault upon the victim.
 3. In the course of hearing of the bail application, Ms. S. Mohanty, learned counsel for the petitioner submits that the petitioner is in judicial custody since 10.03.2021, but trial is yet to be concluded and the allegation appearing against the petitioner appears to be consensual sex in view of the facts that the allegations raised in

the FIR are that the petitioner and the victim had indulged in sex on the assurance of love and marriage and the age of the victim at the time of occurrence was more than seventeen years, no matter she was described by investigating agency to be a minor. It is further submitted by her that the petitioner has been falsely implicated in this case and he is no way connected with the commission of the crime, however, he is languishing inside the jail custody more than one and half years, but the trial of the case has to be completed within one year of taking cognizance of offence in view of the provision of POCSO Act. Learned counsel for the petitioner under aforesaid submission prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State not only opposes the bail application of the petitioner vehemently but also submits that the petitioner was a minor at the time of occurrence and with much effort, the petitioner was arrested after four years of occurrence and that too, in execution of N.B.W.(A). It is accordingly prayed by learned counsel for the State to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of the accusation, the manner and circumstance in which the offence was committed, the pre trial detention of the petitioner since 10.03.2021 and taking into consideration other circumstances in entirety, this Court considers the bail application of the petitioner leniently.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the

satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

