

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.4505 of 2021

Rajendra Giri

.... ***Petitioner***
Mr. Vivekananda Jena, Advocate

Versus

State of Odisha

.... ***Opp. Party***
Mr. S.S.Pradhan, AGA

CORAM:

JUSTICE SAVITRI RATHO

ORDER

23.02.2022

Order No.

03.

This matter is taken up through hybrid mode.

Heard Mr. Vivekananda Jena, learned counsel for the petitioner and Mr. S.S.Pradhan, learned Addl. Government Advocate.

Notice had been sent to the informant through the local police but none has appeared on his behalf.

This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner-Rejendra Giri in connection with Baripada Town P.S. Case No.140 of 2020 corresponding to C.T. Case No.02 of 2021 pending in the court of learned P.O., Special Court under POCSO Act at Baripada, Mayurbhanj for commission of offences punishable under Sections 363/366/506/376 (2) (n)/376 (3) of IPC read with Section 6 of the POCSO Act.

The bail application of the petitioner has been rejected on 05.04.2021 by the learned P.O., Special Court under POCSO Act at Baripada, Mayurbhanj in C.T. Case No.02 of 2021.

The case of the prosecution in brief as per the FIR is that on 09.03.2020, at about 10 p.m., when the informant and his family members were asleep, their minor daughter (victim) has fled from

their house and they suspected that she might have fled with the petitioner as they were talking to each other since last fifteen days.

Mr. Jena, learned counsel for the petitioner submits that the victim girl has not made any allegation against the petitioner and in her statement recorded under Section 164 Cr.P.C., she had stated that although she had gone with the petitioner to Chennai where they got married and lived together but they have had no physical relationship with each other and she has also stated that after her return to village, while the petitioner had been called to visit her house, the police came and arrested him. It is also borne out from the case diary that the victim has denied to be physically examined by the doctor during investigation.

Mr. S.S. Pradhan, learned Addl. Government Advocate submits that in her statement recorded under Section 161 Cr.P.C., the victim has implicated the petitioner stating that she had gone voluntarily with the accused-petitioner and she had physical relationship with the accused during their stay in Chennai. He also states that mother of the victim has stated that the petitioner had kept relationship with the victim forcibly and after their return from Chennai, the petitioner had visited the victim in her house and kept sexual relationship with her forcibly.

Considering the submissions of learned counsels, the materials collected against the petitioner especially the statement of the victim recorded under Section 164 Cr.P.C., I am inclined to allow this application for bail.

Let the petitioner, namely, Rajendra Giri be released on bail on such terms and conditions as may be fixed by the learned Court below in seisin over the matter in the aforesaid case, including the conditions that the petitioners will not threaten or attempt to

influence any witnesses or indulge in any criminal activity while on bail.

The BLAPL is accordingly disposed of.

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

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(Savitri Ratho)
Judge

Bichi

