

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5489 of 2022

Senapati Pujari @ Bhatra

....

Petitioner

Mr. B. Mishra
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.6.2022.

Order No.

- 01.
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 7th November, 2021 in connection with Kosagumuda P.S. Case No.200/2021 corresponding to C.T. Case No.2/2022 pending in the court of learned Sessions Judge-cum-Special Judge, Nabarangpur for the alleged commission of the offence under Sections 366/376 (2)(n)/343/506 of I.P.C.
 4. It is alleged that the Petitioner committed forcible sexual intercourse on the victim on several occasions against her will.

The statement of the victim recorded under Section 161 of Cr.P.C., enclosed to the Bail Application, reveals a different story. It is submitted by learned counsel for the Petitioner that the relationship, if any, between the Petitioner and the victim was purely consensual in nature.

5. Considering the submissions as above, the materials on record, the period of detention of the Petitioner in custody and in particular the statement of the victim recorded under Section 161 of Cr.P.C., 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 not threaten, coerce or pressurize the victim in any manner whatsoever, shall appear before the court below on each date of posting of the case without fail and in case of any single default, the said court shall pass appropriate orders to take him to custody again.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

