

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 5561 of 2022**

**Sanjay John Ekka @ Jena**

....

**Petitioner**

Mr. H.K. Mund, Advocate

- Versus -

**State of Odisha & Anr.**

....

**Opp. Parties**

Mr. P. Tripathy, Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**24.08.2022**

**Order No.**  
**03.**

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. Learned State Counsel submits that notice on the victim/informant has already been served on 18.08.2022. There is however, no appearance from their side. Hence, the bail application is taken up for hearing.
4. The petitioner is in custody since 15.08.2021 in connection with Sundargarh Sadar P.S. Case No.262 of 2021 corresponding to Spl. G.R. Case No.127 of 2021 pending in the Court of learned ADJ-cum-PO Special Court (POSCO), Sundargarh for the alleged commission of offence under Sections 363/376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act.
5. A perusal of the statement of the victim recorded under Section 164 Cr.P.C. shows that she has mainly made allegation against the informant of sexual assault on multiple occasions. In so far as the petitioner is concerned it is stated that she was in love with him and had kept physical relationship with her consent.

6. Considering the above facts, the materials on record and the period of detention in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*

