

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5620 of 2022

Sana Kamar @ Burudi

....

Petitioner

Mr. R.L.Pattnaik
Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
02.9.2022.

Order No.

- 04.
1. This matter is taken up through hybrid mode.
 2. It is submitted that notice has already been served upon the victim on 23rd August, 2022. However, there is no appearance on her behalf. Hence, the Bail Application is taken up for hearing.
 3. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
 4. The Petitioner is in custody since 31st October, 2021 in connection with Mathili P.S. Case No.166/2021 corresponding to T.R. No.59/2021 pending in the court of learned Addl.

District and Sessions judge-cum-Special Judge, Malkangiri for the alleged commission of the offence under Sections 363/366/376(2)(n)/376(3)/498-A/294/506/34 of I.P.C. read with Section 4 of the D.P. Act and Section 6 of the POCSO Act.

5. Though the allegations have been levelled against the Petitioner yet, it appears that he and the victim were living as husband and wife and maintaining a normal conjugal relationship and because of a misunderstanding the case appears to have foisted.

6. 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 164 of Cr.P.C., I am inclined to allow the prayer for bail.

7. 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 court below on each date of posting of the case without fail.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

