

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4663 of 2021

Kanhu Mallik		Petitioner Mr. A. Mishra, Advocate
	- Versus -	
State of Odisha		Opposite Party Mr. P.C. Das, Addl. Standing Counsel Mr. J. Mohanty, Adv. (for father of the informant)

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
18.07.2022**

**Order No.
04.**

1. This matter is taken up through hybrid mode.
2. Mr. J. Mohanty, learned counsel enters appearance for the father of the victim and filed vakalatnama in Court today, the same be kept on record.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 16.03.2021 in connection with Jakhapura P.S. Case No.24 of 2021 corresponding to C.T. Spl. (POCSO) No.43 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Jaipur for the alleged commission of offence under Sections 363/366/376(2)(n)/376(3) of IPC with Section 6 of the POCSO Act.
5. It is alleged that the victim was kidnapped by the petitioner from her house and taken to some other place. It is submitted by learned counsel for the petitioner that it is a clear case of elopement as the petitioner and the victim were in love and had eloped on their own volition.

6. Learned Addl. Standing Counsel has opposed the prayer for bail by submitting that the victim was aged about 14 years of age at the time of occurrence.
7. Learned counsel appearing for the father of the victim also opposed the prayer for bail on the above ground.
8. Considering the submissions as above, materials on record and the period of detention of the petitioner in custody, so also the statement of the victim recorded under Section 164 of Cr.P.C., 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.
9. BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge