

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.472 of 2022

Pintu @ Pradeep Kumar* *Appellant
Puhan

Mr. D.K. Mohanty, Advocate

-versus-

State of Odisha* *Respondent

Mrs. Susamarani Sahoo,

Addl. Standing Counsel

*Mr. A.K. Panda, Advocate for
the informant*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

05.09.2022

Order No.

06. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the appellant, learned counsel for the informant and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with Special G.R. Case No.133 of 2021 arising out of Khuntuni P.S. Case No.129 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Cuttack for offences punishable under sections 341/323/354-A/354-B/506/34 of the Indian

Penal Code, section 8 of the POCSO Act and sections 3(1)(r)/3(2)(va) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Cuttack which was rejected on 23.02.2022.

Learned counsel for the appellant submitted that the appellant was taken into judicial custody since 20.12.2021 and he has been charge sheeted under sections 341/323/354-A/354-B/506/34 of the Indian Penal Code, section 8 of the POCSO Act and sections 3(1)(r)/3(2)(va) of the S.C. & S.T. (PoA) Act. He further submitted that the appellant was granted interim bail for a period of three weeks on the ground of ailment of his mother and after availing the same, he has filed the surrender certificate. Learned counsel further submitted that in view of the nature of accusation against the appellant and since the victim has not specifically implicated the appellant by name in her 164 Cr.P.C. statement, the bail application of the appellant may be favourably considered.

In pursuance to the order dated 22.08.2022, learned counsel for the appellant has filed a comprehensive affidavit relating to the criminal antecedents against the appellant from which it appears that in some cases, the appellant was on bail and in one case, charge sheet was not submitted

against him and another case, the case ended in final report.

Learned counsel for the informant submitted that even during on interim bail, the appellant has given threat to the victim.

Learned counsel for the State has produced the case record and placed the 164 Cr.P.C. statement of the victim, who was aged about sixteen years at the time of occurrence.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, the period of detention of the appellant in judicial custody, the conduct of the appellant in complying with the order of the interim bail and surrender at right time, I am inclined to release the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall appear before the Inspector in-Charge of Khuntuni police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m. and shall not try to tamper with the evidence or shall not come in contact with the victim or her family members and shall not indulge in

any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The CRLA is accordingly disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Khuntuni police station to do the needful.

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



RKM