

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7754 of 2022

Rajesh Mohanty

..... Petitioner
Mr.S.N.Mishra, Advocate

-versus-

State of Odisha

..... Opp.Party
Mr.P.C.Das, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel. Perused the records.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
4. Learned counsel for the Petitioner submits that the victim has consensual sexual relationship with one Laxmi Nivas Mohanty. They had close friendship for a long time and during such friendship they had physical relationship. It is further stated by the learned counsel for the Petitioner that the victim in her statement under section 164 Cr.P.C. stated that she on her own volition had sexual relationship with said Laxmi Nivas Mohanty. On perusal of the statement under Section 164 Cr.P.C. it appears that the Petitioner and the victim stated to be 17 years of age. Further she has stated in her statement

that when they were apprehended by the Police in the Police Station the matter was compromised and both the family agreed for their marriage. It is further stated by the learned counsel for the Petitioner that so far as the present Petitioner is concerned, he has only stated that the present Petitioner helped the principal accused and the victim in getting a room in a hotel. Except this, there is no other allegation against the present Petitioner.

5. Considering the nature of allegations made, gravity of the offence and the fact of the case, I am inclined to grant anticipatory bail to the Petitioner. It is directed that in the event the Petitioner is arrested by the Arresting Officer in connection with in Sea Beach P.S.Case No.211 of 2021 corresponding to Spl. G.R.Case No.97 of 2021 of the file of the learned Special Judge, POCSO, Puri, he shall be released on bail on such terms and conditions as would be deemed just and proper.

6. The ABLAPL is accordingly disposed of.

7. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge