

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5358 of 2021

Guru Charan Soren

.... ***Petitioner***
M/s. N.Lenka, Advocate

-versus-

State of Orissa & another

.... ***Opp. Parties***
M/s. D. Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

26.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Suliapada P.S. Case No.78 of 2020 corresponding to C.T. Case No.137 of 2020 pending in the Court of learned P.O., Special Court under POCSO Act, Mayurbhanj, Baripada for commission of offence punishable under Sections 498-A/292/376(3)/376(2)(n)/506 of I.P.C., Section 67 of I.T. Act and Section 6 & 12 of the POCSO Act, on the allegation of marrying the minor victim and subjected her cruelty as well as committing penetrating sexual assault and getting video of the victim viral.
 3. In course of hearing learned counsel for the petitioner submits that the petitioner is inside the custody since last two years and no trial has yet commenced and he also further submits that there is absolutely no allegation against the petitioner for committing any penetrating sexual assault or rape on the victim. On these submissions, learned counsel for the petitioner prays for release of the petitioner on bail.
 4. On contrary, learned counsel for the State while opposing the bail application of the petitioner submits that the petitioner having involved in prima facie case of getting the photograph and video of the victim viral should not be enlarged on bail.

5. On coming back to the materials placed on record, it appears that F.I.R. has been alleged against the petitioner for offence under Section 498-A/292 of the I.P.C. read with Section 67 of the I.T. Act and Section 12 of the POCSO Act, but in the meantime the petitioner has been charge sheeted for commission of offences punishable under Sections 498-A/292/376(3)/376(2)(n)/500 of the I.P.C. read with Section 6 & 12 of the POCSO and Section 67 of the I.T. Act. and Section 8 and 10 of Prohibition of Child Marriage Act. The petitioner is inside custody since 22.11.2020 and the statement of the victim recorded under Section 164 Cr.P.c. does not disclose any allegation of sexual assault or penetrating sexual assault by the petitioner on the victim.

6. Considering the nature and gravity of accusations and keeping in view the submission advanced on behalf of the parties and the pre-trial detention of the petitioner since 22.11.2020 and prosecution having not collected any materials to suggest that the petitioner would abscond or tamper the evidence in case of enlargement on bail and there being no apprehension of accused-petitioner to leave the jurisdiction of the trial Court, this Court feels it proper to enlarge the petitioner on bail.

7. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper by it with further condition that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission.

8. Accordingly, the BLAPL stands disposed of.

(G. Satapathy)
Judge