

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5726 of 2021

Niranjan Ojha

....

Petitioner

Mr. B.R. Mahanty, Advocate

-versus-

State of Odisha and another

....

Opp. Parties

Mr. P.K. Pattnaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

22.11.2022

Order No.

11. 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 Mangalpur P.S. Case No.59 of 2021 arising out of C.T. Spl. (POCSO) Case No.26 of 2021 pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Jajpur for commission of offences punishable under Sections 376(3)/376(2)(n) of I.P.C. read with Section 6 of POCSO Act, on the allegation of ravishing the petitioner and committing aggravated penetrative sexual assault upon the victim and in consequence thereof, getting the victim pregnant.
3. In the course of hearing of the bail application, Mr. B.R. Mahanty, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and if the allegations on record are taken to be true, no offence either under Section 6 of POCSO Act or 376 of IPC is made out against the petitioner and it is

accordingly prayed by him to grant bail to the petitioner.

4. On the contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner by inter alia submitting that the victim is aged about fourteen years and she was made pregnant by the petitioner and, therefore, the petitioner does not deserve to be released on bail. It is accordingly prayed by him to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of accusations as also the offences alleged against the petitioner and regard being had to the allegation raised against the petitioner for committing rape and aggravated penetrative sexual assault upon the victim who is stated to be aged about fourteen years at the time of occurrence and taking into consideration the other circumstances on record, this Court does not feel it proper to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected. The petitioner, however, is granted liberty to renew his prayer for bail after examination of the victim as requested by learned counsel for the petitioner.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge