

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7415 of 2022

Sanjay Sethy

.... Petitioner

Mr. B.B. Routray, Advocate

-versus-

State of Odisha

.... Opp. Party

Mrs. Susamarani Sahoo

Addl. Standing Counsel

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

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

**ORDER
01.12.2022**

Order No.

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

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Bantala P.S. Case No.220 of 2020 corresponding to Special POCSO Case No. 55 of 2020 pending in the Court of learned Adhoc Addl. Sessions Judge (FTSC), Angul for offences punishable under sections 294/323/376(3)/506 of the Indian Penal Code and section 4 of the POCSO Act.

The petitioner moved an application for bail before the Court of Adhoc Addl. Sessions Judge (FTSC), Angul,

which was rejected on 22.07.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.09.2020 and his earlier bail application in BLAPL No. 1725 of 2021 was rejected as per order dated 25.10.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the victim in the learned trial Court. It is further submitted that in the meantime, the victim has been examined as P.W.1 and she stated that the petitioner assaulted her by means of fist blows on her mouth for which she sustained bleeding injuries and even though she was examined on the next day of occurrence, no such injury was noticed by the doctor. She further stated that she experienced sexual intercourse for the first time, but there is no injury on her private part, rather the injury report indicates that she was habituated to sexual intercourse. Learned counsel further submitted that at this stage there is no chance of tampering with the evidence and in view of the period of detention of the petitioner in judicial custody, the bail application may be favourably reconsidered.

Learned counsel for the State on verification of the case records submitted that there is no criminal antecedent against the petitioner and also on verification of the medical examination report of the victim, she stated that it does not indicate that the victim sustained any injury on any parts of her body.

Mr. A.K. Budhia, learned counsel appearing for the

informant opposed the prayer for bail and placed the evidence of the victim, who has been examined as P.W.1.

Considering the submissions made by the learned counsel for the respective parties, the change in the circumstances after rejection of the earlier bail application, the period of detention of the petitioner in judicial custody and the nature of evidence adduced by the victim, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper including the conditions that the petitioner shall appear before the learned trial Court on each date to which the case is posted for trial, shall not try to tamper with the prosecution evidence, shall not indulge in any criminal activities and shall not keep any contact either with the victim or her family members. Violation of any of the conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

