

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6763 of 2021

Dipuna @ Sukanta @ Susanta Samal **Petitioner**
Mr. Samvit Mohanty, Advocate
-versus-
State of Orissa **Opposite Party**
Mr. K.K. Nayak, A.S.C. for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
09.02.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Raghunathpur P.S. Case No.214 of 2020, corresponding to C.T. Case No.27 of 2021, pending in the file of learned Adhoc Addl. District and Sessions Judge, (FTC)(POCSO), Jagatsinghpur, for commission of alleged offences under Sections 341/323/294/376/452/506 I.P.C.
3. Heard learned counsel for both the parties. Perused the records.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 30.12.2020. He further submits that due to love affair with the victim girl, he has been falsely entangled in the case.
5. Learned counsel for the State while objecting the bail of the Petitioner submits that in fact the victim girl has refused to be medically examined after the incident.

6. Considering the nature of allegations, materials on record as well as 161 statement of the victim girl and the fact that the victim girl out rightly denied for undergoing any medical test, this Court feels it proper to direct the Petitioner to be released on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not tamper with any evidence, show any threat to the prosecution witnesses, especially to the victim girl and cooperate with the investigation. It is further directed that the court in seisin of the matter to impose any additional condition(s), if situation so warrants. Petitioner is also directed to appear before the Investigating Officer as and when requires.

7. With the above direction, the BLAPL is accordingly allowed.

8. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge