

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6917 of 2021

Purna Chandra Behera @ Aruna ***Petitioner***
Mr. G. Mohanty, Advocate
-versus-

State of Odisha and another ***Opposite Parties***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.02.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Despite notice issued on the Opposite Party No.2, none appears for the informant when the matter is called. Further by order dated 10.02.2022, this Court was directed to learned counsel for the State to intimate the concerned Inspector-in-Charge, who will inform the informant/victim that the present case will be taken up for final hearing on 17th February, 2022. If the informant/victim has any objection, he/she shall appear in person in Court or virtual mode.
 3. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
 4. This is an application under Section 439 of the Criminal Procedure Code.
 5. The Petitioner is an accused in Special G.R. Case No.93 of 2021 arising out of Simulia P.S. No.79 of 2021 pending in the court of learned Special Judge, Balasore for commission of offence punishable under Sections 363/366/376(3)/34, I.P.C. read with Section 6 of the

POCSO Act.

6. Learned counsel for the Petitioner submits that there was a love relation between the parties and they have been visited different places together. He further submits that the Petitioner is in custody since 05.04.2021. As per medical examination report, there is no sign or symptom of recent sexual intercourse.

7. Mr. Mohanty, learned Additional Standing Counsel for the State, vehemently, opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses or the victim or her family members in any manner whatsoever, shall not make any default in attending the court during trial on each date, he shall not make any attempt to come in contact with the victim. Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

10. The Bail Application is accordingly disposed of.

11. Urgent certified copy of this order be granted on proper application