

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7137 of 2021

Srikanta @ Sukanta Gouda

....

Petitioner

Mr. R.N. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.02.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Despite notice issued on the informant, none appears for the informant when the matter is called. Further by order dated 21.12.2022, 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 21st 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, the statement of the victim recorded under Section 164, Cr.P.C. 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 G.R. Case No.52 of 2018 arising out of Sorada P.S. No.79 of 2018 pending in the court of learned Additional District Judge-cum-Special Court under POCSO Act,

Berhmapur, Ganjam for commission of offence punishable under Sections 363/366/376(2)(n), I.P.C. read with Section 3(2)(v) of the S.C. and S.T. Act and Section 6 of the POCSO Act.

6. Learned counsel for the Petitioner submits that the Petitioner and the victim were in a love relationship and they had decided to marry each other. He further submits that the victim fled away from her house with the Petitioner out of her own volition and that without being forced by any other person. He also submits that the statement of the victim recorded under Section 164, Cr.P.C. supports the contention of the Petitioner and the Petitioner is in custody since 06.05.2021.

7. Mr. Mohanty, learned Additional Standing Counsel for the State, vehemently, opposes the prayer for bail of the Petitioner and submits that the victim is also a minor girl and she has given her consent. He further submits that as per statement of the victim, the Petitioner and the victim were living as husband and wife, which is not legally permissible as the age of the victim girl below 18 years and as such, he prays for rejection of the bail application of the Petitioner

8. Having heard the learned counsels 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

Jagabandhu

(*A.K. Mohapatra*)
Judge

