

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7192 of 2021

Jani @ Sk.Garib

.... ***Petitioner***
Mr.C.R.Satpathy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr .M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
15.02.2022

Order No.

2. This matter is taken up through Hybrid Arrangement (virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Salipur P.S.Case No.54 of 2021, corresponding to Special. G.R.Case No.39 of 2021, pending in the Court of the learned A.D.J.-cum-Special Court under POCSO Act, Cuttack.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 16.03.2021. It is his further submission that both the victim and the Petitioner have love relationship for a considerable period of time and they were talking to each other for a quite long time. On the fateful day the victim girl eloped with the present Petitioner with her consent and that the Petitioner did not force her to go with him. The victim girl was found on the very next day. Further learned counsel for the Petitioner submits that the

medical examination report does not reveal any injury on the body of the victim girl and that the Petitioner is aged about 22 years. In such view of the matter, the learned counsel for the Petitioner prays to enlarge the Petitioner on bail with some stringent conditions.

5. Learned counsel appearing for the State submits that on the basis of the statement of the victim girl, a clear case is made out against the Petitioner. Therefore, he opposes for grant of bail to the Petitioner on the said ground.

6. Having heard learned counsel for the Parties and considering the fact that the Petitioner is in custody for almost one year and further considering the age of the Petitioner and gravity and seriousness of the allegations made, I am inclined to release the Petitioner on bail in the above case, 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 the conditions that the Petitioner shall not tamper with the prosecution evidence or threaten or influence the prosecution witnesses, he shall not influence, threaten or try to contact the victim girl in any manner whatsoever, and shall appear before the concerned Police Station in every fortnight between 10 A.M. to 1 P.M. till completion of the trial.

7. Violation of any of the above conditions shall entail cancellation of bail.

8. The BLAPL is accordingly disposed of.

9. Issue urgent certified copy of this order as per Rules.