

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7292 of 2021

Kuna @ Saroj Nayak

....

Petitioner

Mr. Dibya Jyoti Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

24.02.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the F.I.R, 164 statement of the victim girl and medical examination report.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Kendrapara Sadar P.S. Case No.299 of 2021, corresponding to G.R. Case No.69 of 2021, pending in the file of learned Sessions-cum-Special Judge, Kendrapara, for commission of alleged offences under Sections 363/365/376/34 of I.P.C. read with Section 4 of POCSO Act.
4. Learned counsel for the Petitioner submits Petitioner has been languishing in jail custody since the date of his arrest, i.e. 29.05.2021. The allegations made in the FIR are false and concocted one. The statement of the victim girl recorded under Section 164

Cr.P.C. also does not speak anything about rape. From the Medical Examination Report, it is found that there is no sign or symptom of sexual harassment. On such ground, learned counsel for the Petitioner prays for release of Petitioner on bail on such terms and conditions as fixed by this Court.

5. Learned counsel for the State vehemently opposes the bail of the Petitioner on the ground that the nature of allegation is very serious and the crime is heinous in nature. Therefore, the Petitioner should not be released in bail and prays for rejection of the bail application. However, he submits that in the event release of the Petitioner, stringent conditions may be imposed.

6. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Petitioner and the statement of the victim girl recorded under Section 164 Cr.P.C., this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall not tamper with the prosecution evidence;
- (iii) He shall not influence or threaten any prosecution evidence and cooperate with the investigation;
- (iv) He shall not make any attempt to reach out or contact the victim girl in any way;
- (v) Violation of any of the above conditions shall entail cancellation of the bail.

7. Learned trial court is at liberty to impose any other conditions, if situation so arises.

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

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

