

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.725 of 2022

Mahendra Chandan* *Appellant

Mr. S.N.Mishra-4, Advocate

-versus-

1. State of Odisha

2. Binata Majhi* *Respondents

Mr. Debasis Biswal

Addl. Standing Counsel

*Mr. J.N. Panda, Advocate for
respondent no.2*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
17.10.2022**

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with C.T. Case No.22/46 of 2019 (POCSO) arising out of Kegaon P.S. Case No.89 of 2019 pending in the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Kalahandi at Bhawanipatna for offences punishable under sections

366/376(2)/294 of the Indian Penal Code, section 6 of the POCSO Act and sections 3(1)(r)(s)/3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Bhawanipatna which was rejected on 20.08.2022.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 13.08.2022 and he has been charge sheeted under sections 366/376(2)/294 of the Indian Penal Code, section 6 of the POCSO Act and sections 3(1)(r)(s)/3(2)(v) of the S.C. & S.T. (PoA) Act.

The victim filed an affidavit indicating therein that she was in love with the appellant and due to anger, she became furious and lodged an F.I.R. against the appellant and in the meantime, she has married at another place and for her marital life, she did not want to proceed with the case.

Learned counsel for the State want to obtain instruction on this affidavit.

Today, learned counsel for the State produced written instruction from the Inspector in-charge of Kegaon police station from which it appears that the affidavit filed by the victim is a genuine one. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, the period of detention of the appellant in judicial custody and his pendens development made, I am inclined to release him on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

The CRLA is accordingly disposed of.

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

(S.K. Sahoo)
Judge