

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7550 of 2021

Bhagban Sunani @ Suraj Ghasi

.... Petitioner

Mr.B.K.Mishra, Advocate

-versus-

State of Odisha

.... Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.02.2022

Order No.

3. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Bhawanipatna Town P.S.Case No.268 of 2021, corresponding to C.T.Case No.747/62 of 2021 (POCSO), pending in the Court of the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna.
3. Perused the F.I.R., medical examination report and the statement of the victim recorded under section 164 Cr.P.C.
4. Learned counsel for the Petitioner submits that the victim had gone with the Petitioner out of her own volition. The medical examination of the victim also does not disclose the recent sign of sexual intercourse.
5. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner on the ground that the victim is a

minor girl.

6 Upon consideration of the submissions made by the respective parties as well as on perusal of the records and on consideration of the peculiar facts and circumstances of the case and considering the fact that the medical examination report is silent about the recent sexual intercourse, 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 condition that the Petitioner shall appear before the trial court on each date of posting of the case for trial till conclusion of the trial. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

7. The BLAPL is accordingly disposed of.

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

RKS

