

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7626 of 2021

Budan Santa

.... Petitioner
Mr. U. Barik, 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.

03.

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.
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 T.R. Case No.67 of 2021 arising out of Jharigaon P.S. No.97 of 2021 pending in the court of learned Additional District Judge-cum-Special Court under POCSO Act, Nabarangpur for commission of offence punishable under Sections 376(2)(n)/376(3)/506, I.P.C. read with Section 6 of the POCSO Act and Sections 66-E/67-A of the I.T. Act.
6. Learned counsel for the Petitioner submits that the Petitioner and the victim were in a love relationship and in the meantime, the victim

had married to another person. He also submits that the statement of the victim has been recorded under Section 164, Cr.P.C. The Petitioner is in custody since 08.07.2020. Further he submits that charge-sheet in the case has already been submitted on 03.08.2021.

7. Mr. Mohanty, learned Additional Standing Counsel for the State, vehemently, opposes the prayer for bail of the Petitioner.

8. Having heard the learned counsels for the parties and considering the peculiar facts and circumstances and 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.50,000/- (rupees fifty 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