

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7706 of 2021

***Sanjaya Kumar Dalei @ Sanjay
Kumar Dalai***

....

Petitioner

M/s. A.Mohanty, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s. D. Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

24.08.2022

Order No.

- 09.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Bhograi P.S. Case No.66 of 2021 corresponding to C.T. No. 212 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Balasore for commission of offences punishable under Sections 363/366/376(3)/376(2)(n)/34 I.P.C. read with Section 6 of POCSO Act.
 3. It is submitted on behalf of the petitioner that the victim has already married to the petitioner and they are residing as husband and wife as revealed from the statement of the victim under Section 161 Cr.P.C. It is also submitted that the allegation of sexual assault against the petitioner is false and concocted and victim has already crossed the age of minority. It is also submitted that the petitioner is behind the bar since last one year and the petitioner, therefore, should be enlarged on bail on such terms and conditions as would be deemed fit and proper.

4. On the contrary, learned counsel for the State, however, vehemently opposes the bail application of the petitioner and submits that since the victim is a minor and her statement reveals allegation of committing aggravated penetrating sexual assault against the petitioner and thus, the bail of the petitioner should not be considered favourably. Learned counsel for the State, however, candidly submits that the victim had refused to undergo medical test and in the meantime charge sheet has been submitted. None appears on behalf of the victim although she has been noticed of the hearing bail application as submitted by the learned counsel for the State.

5. In view of submissions advanced on behalf of the parties and the period of detention of the petitioner since last one year and taking into consideration the conduct of the petitioner surrendering in Court after being released on interim bail and also the allegation levelled against the petitioner and the victim having stated in her statement before Police to have fled with the petitioner, this Court feels it proper to allow the bail application of the petitioner. Hence, Petitioner be released on bail on furnishing bail bond of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the learned Court in seisin over the matter on such terms and conditions as deem fit and proper by it.

6. Accordingly, the BLAPL stands disposed of.

(G. Satapathy)
Judge