

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8765 of 2022

Sameer Kanta Nayak

....

Petitioner

Mr. S.K. Nayak, Advocate

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
3. Learned counsel Mr. S.K. Baral & Associates have entered appearance on behalf of the informant/victim. Vakalatnama filed on behalf of the informant/victim is taken on record. Name of Mr. S.K. Baral & Associates be reflected in the file, in the cause list as well as in the CMS of this Court.
4. The petitioner is an accused in connection with G.R. Case No.15 of 2022, pending before the Court of learned Additional Sessions Judge-cum-Special Judge, Paralakhemundi, Gajapati, arising out of Adava P.S. Case No.65 of 2022, for commission of offences under Section 363/366/376(2)(n)/376(3) of IPC read with Section 3(1)(w)(ii)/3(2)(v)(va) of SC and ST (POA) Act and Section 6 of POCSO Act.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-

Special Judge, Paralakhemundi, by order dated 10.08.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the informant taking into account the impressionable age of the petitioner, she was lured into a relationship, hence, merely because charge-sheet has been filed, the petitioner ought not to be released on bail.

7. Perused the 164 Cr.P.C. statement of the victim.

8. Considering the tenor thereof and filing of charge-sheet, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. To allay the legitimate concern expressed by the learned counsel for the informant and to instill a sense of confidence in the informant and her family, this Court directs that the petitioner shall appear before the Investigating Officer once every week till conclusion of trial. The date and time to be fixed by the learned Court in seisin over the matter and certification of such appearance shall be submitted to the Court in seisin over the matter and the petitioner shall not try to intimidate either the victim and/or family in any manner.

10. It shall be open to the informant to seek variance of this order in the case of any violation.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha