

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7853 of 2021

Bikaash Kumar Singh

.... ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.02.2022

Order No.

- 02.
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. Accordingly, the matter is taken up for hearing on its own merit.
 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 G.R. Case No.15 of 2021 arising out of Mohana P.S. No.104 of 2021 pending in the court of learned Special Judge-cum-Additional Sessions Judge, Gajapati at Paralakhemundi for commission of offence punishable under Sections 363/366/354(1)(i)/ 376(2)(n)/376(1)/506, I.P.C. read with Section 6 of the POCSO Act, 2012.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 14.05.2021 and in the meantime, charge-sheet has already been submitted under Sections 363/366/354-A(1)(i)/376(2)(n)/506, I.P.C. read with Section 6 of POCSO Act, 2012. He further submits that no case under Section 376, I.P.C. is made out against the petitioner. He also refers to the statement of the victim recorded under Section 164, Cr.P.C. wherein she has not stated about the commission of rape. Further, learned counsel for the Petitioner submits that the Petitioner is the same locality and there is no scope for absconding or fleeing from the hands of the justice.

7. Mr. Mohanty, learned Additional Standing Counsel for the State, vehemently, opposes the prayer for bail of the Petitioner on the ground that the alleged crime is heinous in nature and submits that the victim is also a minor girl. Therefore, he prays for rejection of the bail application of the Petitioner. He also submits that in the event the Petitioner released on bail, he might be influence the prosecution witnesses particularly the victim girl. Further he submits that in the event this Court is inclined to release the petitioner on bail, some stringent terms and conditions may be imposed.

8. Having heard the learned counsels for the parties, considering the nature of allegation, statement of victim recorded under Section 164, Cr.P.C. and the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with two local solvent sureties 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 and shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial. 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.

Jagabandhu

