

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.7989 of 2021**

***Chhabilal Pari***

.... ***Petitioner***  
*Mr. J. Kamila, Advocate*

***-versus-***

***State of Odisha***

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

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**  
**24.02.2022**

**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 C.T. Case No.246/59 of 2019 arising out of Dharamgarh P.S. No.70 of 2019 in the court of learned Additional Sessions Judge-cum-Special Court (POCSO Act), Bhawanipatna for commission of offence punishable under Sections 376(2)(n)/493/417/506, I.P.C. read with Section 6 of the POCSO Act, 2012 and Section 3(2)(v)(va) of the SC and ST (PoA) Act.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 11.07.2021 and in the meantime, charge-sheet has already been submitted. Further, learned counsel for the Petitioner files a copy of the deposition of the victim P.W.1. As per deposition of the victim, she has stated that her age is about 23 years at present and at the time of alleged occurrence, she was aged about 20 years. She further stated that she along with the Petitioner was working in Tamilnadu. While they were living in Tamilnadu developed love relationship between them and she further stated that she was also married while in Tamilnadu. Further she stated in her deposition that she deprived of the complaint case was filed in the court below that she had only put her signature on the complaint petition by some people. 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. 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 and 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.

Jagabandhu

