

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8448 of 2021

***Sanjib Malik @ Tapu Malik @
Sanjib Kumar Malik***

....

Petitioner

Mr. R.K.Dash,
Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. S.K.Mishra
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
03.8.2022.**

Order No.

08.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. Copy of the surrender certificate has been filed showing that the Petitioner has surrendered to custody on 30th June, 2022 upon expiry of the period of interim bail. The same be kept on record.

4. It is submitted by the learned State counsel that notice on the victim has already been served on 20th December, 2021. There is, however, no appearance for her side. As such, the bail application is taken up for hearing.

5. The Petitioner is in custody since 19th April, 2021 in connection with Chudamani Marine P.S. Case No.64/2019 corresponding to Special (POCSO) Case No.1/2020 pending in the court of learned Special Judge, FTSC, Bhadrak for the alleged commission of the offence under Sections 363/366-A/376 (2)(n)/354/376(3)/114 of I.P.C. and sections 6/8/17 of the POCSO Act.

6. It is alleged that the Petitioner kidnapped the victim and her friend and forcibly took her to Cuttack and thereafter to Chennai where they worked in a factory. The statement of the victim recorded under Section 164 of the Cr.P.C. reveals that there is no allegation of assault as against the present Petitioner though it is alleged that he had committed sexual intercourse with her friend.

7. Considering the above facts and the period of detention in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall personally appear before the court below on each date of posting of the case without fail.

8. The BLAPL is disposed of.

9. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

