

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8594 of 2021

Ajaya Behera @ Aju

.... ***Petitioner***
M/s.J.N.Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.S.N.Das, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

08.09.2022

Order No.

- 06.
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 Narasinghpur P.S. Case No.14 of 2021 corresponding to Special G.R. Case No.16 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Cuttack for commission of offence punishable U/Ss. 363/366/376(2)(n)/376(3)/386/506/34 of I.P.C. read with Section 6 of the POCSO Act. and read with Section 3(1)(r)(s)/3(2)(v)(va) of SC & ST (PA) Act.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the victim has voluntarily joined the accused and the allegation of forcibly sexual assault of the victim as raised against the petitioner is motivated one and the petitioner having detained in custody since last one and half year and in the meanwhile charge sheet having already been submitted in this case, the petitioner may kindly be released on bail.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner by placing the statement of the victim recorded under Section 164 Cr.P.C. submits that the petitioner having alleged to have committed forcibly sexual intercourse upon the victim

aged about 15 years, he shall not be released on bail.

5. Considering the nature and gravity of allegations levelled against the petitioner and after going through the allegations as stated by the victim in her statement recorded under Section 164 Cr.P.C. and especially severity of allegations raised against the petitioner by the victim for committing aggravated penetrative sexual assault and taking into consideration the age of the victim, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail stands rejected.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge

Kishore

