

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8616 of 2021

Ajay Gupta

.... Petitioner

Mr. R.K. Mohapatra, Advocate

-versus-

State of Odisha and another

.... Opposite Parties

Mr. K. Das, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

27.09.2022

Order No.

10.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.376-AB/506, I.P.C. and Section 6 of the POCSO Act.

2. Heard Mr. R.K. Mohapatra, learned counsel for the Petitioner as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party No.1

3. It is submitted on behalf of the Petitioner that he is inside custody since 13.8.2019 and in the meantime the mother of the victim (informant) has already been examined in course of trial. It is further submitted that the victim was scheduled to be examined on 26th September, 2022 and it is not known whether she was examined on the date fixed. He also submits that after the alleged occurrence, the mother of the victim took money from the brother of the accused and as such, it is clear that a false case has been foisted against the Petitioner.

4. Mr. K. Das, learned Additional Standing Counsel for the State-Opposite Party No.1 on the other hand opposes the prayer for bail

stating that the offences alleged against the Petitioner are heinous and the informant-P.W.1 has stated against the Petitioner in her evidence.

5. Upon hearing both the parties, it reveals from the record that though the Petitioner was initially taken to custody on 13.8.2019, but subsequently he was released on interim bail during COVID pandemic. The victim is a minor girl aged about 10 years at the time of lodging of the FIR and the Petitioner is the father of the victim. It needs to be mentioned here that the mother of the victim earlier married to another man. Out of said earlier marriage, the victim was born. The mother of the victim along with the victim subsequently stayed with the Petitioner as husband and wife. The informant (P.W.1) in her evidence speaks against the Petitioner regarding commission of the offences. The report of the Additional Sessions Judge, Sundargarh dated 16.9.2022, as called for by this Court, speaks that the case was transferred from Rourkela to Sundargarh due to threat prospects put to the minor victim and her mother.

6. Considering all such factors as well as evidence of the mother of the victim (informant) and the nature of offences alleged, I am not inclined to release the Petitioner on bail. Accordingly, the prayer for bail is rejected.

7. The BLAPL is dismissed.

(B.P. Routray)
Judge