

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.472 of 2022

Sarat @Sarat Gochhayat

....

Petitioner

Mr. S.R.Das, Advocate

-versus-

State of Odisha and another

....

Opposite Party

Mr.R. Tripathy,
Addl. Standing Counsel

Mr.Sk. Kalim Uddin, Advocate
(For O.P. No.2)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
01.12.2022.

Order No.

05. 1. This matter is taken up through hybrid mode.
2. The informant has entered appearance through Mr.Sk. Kalim Uddin, Advocate and associates. An objection has been filed in Court today. The same be kept on record.
2. The Petitioner is in custody since 29th June, 2021 in connection with Mahulpada P.S. Case No.29/2021 corresponding to G.R. Case No.376/2021 pending in the Court of learned P.M.A.JJB-cum-Asst. Sessions Judge, Rourkela for the alleged commission

of offence under Sections 363/366/376(2)(n)(3) of I.P.C. read with Section 6 of POCSO Act.

3. It is alleged that the Petitioner forcibly committed sexual intercourse with the victim, who was a minor girl at the relevant time. The Petitioner himself is a CCL being aged below 18 years. It is submitted by Mr. Das, learned counsel for the Petitioner, that the victim had a consensual relationship with the Petitioner and has also married her. He further submits that both of them have been residing as husband and wife and when the victim was rescued only thereafter the case was foisted.

4. Mr. Sk. Kalim Uddin, learned counsel appearing for the informant, has opposed the prayer for bail by submitting that the consensual relationship cannot be taken note of in view of the minority of the victim. It is stated at the bar that the trial has commenced and one witness has been examined. The victim has not yet been examined.

5. Considering the submissions, while not being inclined to grant regular bail to the Petitioner, having regard to the period of his detention already undergone, I am inclined to take a lenient view by directing release of the Petitioner on interim bail for a period of three months. Let the Petitioner be released on interim bail for a period of three months from the date of his actual release on such terms and conditions as may be fixed by the convicting Court in the aforesaid case.

6. After expiry of the aforesaid period of three months, the Petitioner shall surrender before the convicting Court, failing which appropriate warrant may be issued for his production

7. The CRLREV is accordingly disposed of.

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

AKB



(Sashikanta Mishra)
Judge