

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9157 of 2021

**Tukuna Naik @ Tukuna
Nayak**

...

Petitioner

Mr. D.K. Sahoo, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. S.K. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
04.01.2022**

Order No.

1.

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. The petitioner is in custody since 10.10.2020 in connection with Keonjhar Sadar P.S. Case No.350 dated 22.11.2019 corresponding to Spl. G.R. Case No.96 of 2019 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Keonjhar for the alleged commission of offence under Sections 342/363/376(2)(n)/506 of IPC read with Section 6 of POCSO Act.
4. The allegation is that the petitioner committed rape on a minor girl aged about 17 years at the relevant time.
5. Learned counsel for the petitioner submits that notwithstanding the age of the victim, fact remains that both of them were in love and therefore, the relationship between them is purely consensual in nature.

6. Learned Addl. Standing Counsel on the other hand has opposed the prayer for bail by submitting that the victim being a minor, her consent or otherwise immaterial.

7. Having considered the rival submissions, the materials on record and the period of detention already undergone I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall not approach, threaten, coerce or pressurize the victim in any manner whatsoever failing which appropriate adverse order shall be passed against him.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

