

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9194 of 2021

Santosh Kuamr Bhoi

....

Petitioner

Mr. D.N.Pattanayak,
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
04.01.2022.

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. D.N.Pattanayak, learned counsel for the Petitioner and Miss S.Mishra, learned Addl. Standing Counsel for the State.
 3. The Petitioner is in custody since 2nd June, 2021 in connection with Cuttack Sadar P.S. Case No.302/2021 pending in the court of learned Addl. Sessions Judge-cum-Special Court

under POCSO Act corresponding to Special G.R. Case No.69/2021 for the alleged commission of the offence under Sections 376(2)(n) of I.P.C. and Section 6 of POCSO Act.

4. It is alleged that the Petitioner committed sexual intercourse on the victim girl by compelling her to consent to such act by threatening to commit suicide. Learned counsel for the Petitioner submits that the Petitioner and the victim were in love relationship and, therefore, the alleged sexual intercourse was consensual in nature.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that having regard to the age of the victim, her consent is immaterial.

6. Having regard to the submissions made, the materials on record and the period of detention already undergone, I am inclined to allow the prayer for bail.

7. Let the Petitioner- Santosh Kumar Bhoi be released on bail in the aforesaid case on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall appear before the trial court 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

