

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9198 of 2021

Dipti Nihar Ranjan Malik

....

Petitioner

Mr. Udit Ranjan Jena,
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. Udit Ranjan Jena, learned counsel for the Petitioner and Miss S. Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 13th September, 2021 in connection with Binjharpur P.S. Case No.93 of 2021 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Jajapur corresponding to C.T.Special (POCSO) Case No.132/2021 for the alleged commission of the offence under Sections 363/366/376(2)(n) of IPC read with Section 6 of

POCSO Act. It is alleged that the Petitioner forcibly committed sexual intercourse on the victim several times against her will. Learned counsel for the Petitioner has however drawn attention of the Court to the statement of the victim girl recorded under Section 161 of Cr.P.C. wherein it is clearly mentioned that both of them were in love relationship for more than four years and as her parents objected to such relationship, she voluntarily left home with the Petitioner by calling him.

4. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that at the relevant time the victim was a minor and her consent cannot be taken into consideration.

5. Having regard to the submissions made, the materials on record, the period of detention already undergone and particularly the statement of the victim girl as above, I am inclined to allow the prayer for bail.

6. Let the Petitioner- Dipti Nihar Ranjan Malik be released on bail 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.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

