

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9232 of 2021

Bidyadhar Ranjit

.... ***Petitioner***
Mr. Umakanta Barik, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.04.2022

Order No.

03

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Baliapal P.S.Case No.117 of 2021 corresponding to Spl.Case No.233 of 2021 pending in the Court of the learned Special Judge, Balasore for alleged commission of offence under Sections 363,376(2)(i)(n), 376(3) of the Indian Penal Code read with section 6 of POCSO Act.
5. On bare reading of the statement of the victim, it appears that she has left the house on her own volition and eloped with the Petitioner. Thereafter she married in the temple and lived together as husband and wife. Thereafter they left for Delhi and there she participated in sexual intercourse with the Petitioner. While they were in Delhi, the Police recovered the victim girl. Accordingly the

present F.I.R. has been lodged.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 10.09.2021 and after completion of investigation by the Investigating Agency, charge sheet has been filed in the present case. It is further submitted by the learned counsel for the Petitioner that the victim has eloped with the Petitioner and she voluntarily accompanied with the Petitioner to different places and participated in the cohabitation with the Petitioner. It is also submitted by the learned counsel for the Petitioner that since the Petitioner is permanent inhabitant of Balasore district there is no chance of his absconding and he undertakes to appear before the trial court on each date of posting of the case.

7. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that the allegation made against the Petitioner is serious in nature and the prayer for bail of the Petitioner be rejected.

8. Having heard learned counsel for the parties, considering the fact and circumstances of the case, the period of custodial detention of the Petitioner, the medical examination report and the statement of the victim, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.

- iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) Violation of any of the terms and conditions shall entail cancellation of bail.
9. The trial court may impose any other condition(s) as deem fit and proper.
10. BLAPL is accordingly disposed of.
11. Issue urgent certified copy as per Rules.

RKS

