

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9245 of 2021

Sushanta Malik

...

Petitioner

Mr. A.K. Sahoo, Advocate

- Versus -

State of Odisha & Anr.

...

Opposite Parties

Mr. P. Tripathy, Addl. Standing
Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.02.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Learned Addl. Standing Counsel informs that the notice has already been served upon the victim, however, there is no appearance from her side. Hence the matter is taken on the basis of the materials available on record.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 15.09.2021 in connection with Kendrapara Town P.S. Case No.172 of 2018 corresponding to G.R. Case No.1425 of 2018 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Kendrapara for the alleged commission of offence under Sections 363/366-A/376(3)/109 of IPC read with Section 4 of POCSO Act.
5. Considering the submissions made, the materials on record, the period of detention already undergone and in particular the absence of medical evidence to support the prosecution story of rape, 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 personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge

