

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9390 of 2021

Sushil Sahu

...

Petitioner

Mr. S.N. Mishra, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

07.01.2022

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 06.09.2021 in connection with Bhawanipatna Sadar P.S. Case No.306 dated 24.08.2021 corresponding to C.T. Case No.914/76 of 2021 (POCSO) pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for the alleged commission of offence under Sections 363/366/376 (2)(n)/343 of IPC read with Section 6 of POCSO Act.
4. The allegation is that the petitioner had kidnapped the minor daughter of the informant and kept her in the village, where he repeatedly committed sexual intercourse on her. However, considering the submissions made, the materials on record, the period of detention already undergone and particularly the statements of the victim recorded under

Sections 161 and 164 of Cr.P.C. to the effect that she was in love with the petitioner since more than five years and had willfully left home with him, 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.

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

A.K. Rana



(Sashikanta Mishra)
Judge