

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9411 of 2021

**Papu @ Rashmi Ranjan
Kata**

...

Petitioner

Mr. S.N. Mishra-4, 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 04.08.2021 in connection with Junagarh P.S. Case No.311 dated 14.09.2021 corresponding to C.T. Case No.78 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for the alleged commission of offence under Sections 363/376(2)(n) of IPC
4. The allegation is that the petitioner forcefully took away the victim on his motor cycle and after committing rape on her, subsequently left her in her village.
5. It is submitted by learned counsel for the petitioner that perusal of the statement of the victim recorded under Section 164 Cr.P.C. clearly reveals that the petitioner and the victim were in love with each other and though some general allegations have been made regarding forcible intercourse but

from the facts narrated it would appear that whatever had happened between them was consensual in nature.

6. Having regard to the above fact, the period of detention already undergone and the fact that charge sheet has already been submitted in the case, 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.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

