

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9435 of 2021

Sidhanta Mukhi

....

Petitioner

Mr. Jagannath Kamila
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
07.01.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.

2. Heard Mr. Jagannath Kamila, learned counsel for the Petitioner and Mr.S.K.Mishra, learned Addl. Standing Counsel for the State.

3. The Petitioner is in custody since 20th June, 2020 in connection with Simulia P.S. Case No.143/2020 corresponding to Special Case No.159/2020 pending in the court of learned

Addl. Sessions Judge-cum-Special Judge, Balasore for the alleged commission of the offence under Sections 363/366/376-A of I.P.C. read with Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

4. It is alleged that the Petitioner kidnapped the victim, who was aged about 11 years at the relevant time, with the help of his friend and kept her in his house and thereafter married her. He is also said to have kept sexual relationship with the girl. It is submitted that the child marriage is prevalent in tribal communities and, hence, it cannot be given a colour of crime.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that considering the tender age of the victim no custom can be cited to protect the accused.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that the child victim has since been rescued and handed over in custody of her father and charge sheet has also been submitted, I find no justified reason to detain the Petitioner in custody any longer.

7. Let the Petitioner- Sidhanta Mukhi be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall not approach, threaten, coerce or

pressurize the victim in any manner whatsoever and he shall appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge