

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9464 of 2021

Rabi @ Gobinda Sahoo

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Petitioner

Mr.Ashok Ku.Mohapatra-1, Advocate

-Versus-

State of Odisha

Opposite Party

Mr.S.S.Mohapatra, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
12.01.2022

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. ★ This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Capital P.S. Case No. 520 of 2021 corresponding to T.R. Case No. 398 of 2021 registered under Section(s) 294/354/354(A)/354(B)/323/506 of IPC and Section 12 of the POCSO Act pending in the court of learned Additional Sessions Judge, Bhubaneswar on the grounds stated therein.
4. Perused the F.I.R. dated 03.08.2021 and other documents enclosed to the bail application besides the impugned order dated 07.10.2021 as at Annexure-3.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the present accused is in custody since the month of September,

2021 and that apart, charge sheet stands filed on 16.09.2021 and having regard to the fact that he was assaulted by the informant's husband, the fact which is revealed from Annexure-4, the accused should be enlarged on bail with any stringent conditions which is strongly objected to by the learned counsel for the State considering the conduct of the accused, who repeatedly misconducted himself and committed the sexual mischief as against the daughter of the informant, who is a minor aged about 15 years.

7. On perusal of the F.I.R., it is made to appear that the petitioner did commit certain mischief and during the alleged occurrence, abused the informant, assaulted her husband who claimed to have received a fracture as result and that apart, her minor daughter was molested by him. It is submitted that the minor victim has not been examined. In response, the learned counsel for the State submits that considering the nature of sexual mischief, there was no need of medical examination of the victim. But then, the petitioner was medically examined prior to his production before the court below. It is claimed by the learned counsel for the petitioner that the accused was assaulted by the informant's husband and as a result, received couple of injuries which is mentioned at Annexure-4. On being asked, the learned counsel for the State submitted that the informant's husband received simple injuries. It is anticipated that the petitioner and informant's husband perhaps had a fight and apparently, exchanged blows for which both sustained injuries, thereafter, the F.I.R. was lodged. The petitioner is a local inhabitant.

8. In the above background of facts, the learned counsel for the petitioner submits that any stringent condition may be imposed, while releasing the accused on bail. As

earlier mentioned, investigation stands closed as the charge sheet was filed in the month of September, 2021.

9. Having regard to the above facts and the fact that investigation is over and taking into account the period of detention that of the petitioner and that the informant's husband received minor injuries on account of scuffle with the accused, the Court is of the considered view that the petitioner should be enlarged on bail with stringent conditions and accordingly, it is ordered.

10. In the result, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter with conditions that he shall not pick up any quarrel or fight with the informant and her husband; and shall not cause any physical harm to the minor victim, while on bail; and shall stay away from the reaches of the informant's daughter and commit no any mischief; and shall attend the local P.S. and report the IIC concerned once in ten days preferably on Sunday in between 10.00 A.M. to 1.00 P.M. and continued to do so for a period of next six months.

11. In the event of any of the above conditions is/are violated by the petitioner, it shall forthwith entail cancellation of his bail.

12. The BLAPL is accordingly disposed of in the above terms.

13. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's

website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 5143 and 515 dated 7th January, 2022.

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(R.K.Pattanaik)
Judge

