

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9493 of 2021

Rasik Deheria

....
Petitioner
Mr.L.N. Patel, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr.G.N. Rout, Addl. Standing Counsel

CORAM:
JUSTICE R.K. PATTANAİK

Order No.

ORDER
12.01.2022

01.

1. This matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Hemagiri P.S. Case No.207 of 2021 corresponding to Special G.R. Case No.117 of 2021 pending in the court of learned Additional Sessions Judge-cum-Presiding Officer, Special Court (POCSO), Sundargarh on the grounds stated therein.
4. Perused the F.I.R. as at Annexure-1 and the impugned order dated 07.10.2021 i.e. Annexure-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the F.I.R. was lodged after 15 days of the alleged incident and the allegation is only that the accused attempted to commit rape and as, in the meantime, charge sheet has been filed, the petitioner should be

released on bail with any conditions, which is objected to by the learned counsel for the State on the ground that the victim to be a minor aged about 10 years and the accused is alleged to be a habitual offender, which is also revealed from the F.I.R.

7. It is made to appear from the F.I.R. that the petitioner called the victim to clean ginger at his residence and during that time, he initially undressed himself and then removed that of the victim and touched her body and at the end threatened her not to disclose it to anyone. In fact, as per the informant, there was an attempt on the part of the petitioner to commit rape. The learned counsel for the petitioner submits that there was no intent to commit rape though the alleged mischief was committed by the accused. The learned counsel for the State admitted that the investigation is over and in the meantime, charge sheet has been filed.

8. Having regard to the above facts, closure of investigation and taking into account the nature of allegations and the alleged mischief which has been committed by the petitioner without any material of physical harm caused to the victim, the Court is inclined to enlarge the petitioner on bail with conditions.

9. Accordingly, 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, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case with an additional condition that he shall not cause any harm to the minor victim and informant mother, in any manner whatsoever, while on bail.

10. The BLAPL is accordingly disposed of.

11. 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, modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

KC Bisoi



(R.K. Pattanaik)
Judge