

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9534 of 2021

Ritik @ Remo Solanki

....

Petitioner

Mr. S.K. Padhy, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

10.01.2022

Order
No.

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 of Cr.P.C for grant of bail to the petitioner in connection with Bheden P.S. Case No.168 of 2021 registered under Section(s) 363, 366, 376(2)(n) /376(3) of IPC and Section 6 of POCSO Act corresponding to C.T. Case No.32 of 2021 pending in the file of learned Special Judge (Under POCSO Act), Bargarh on the grounds stated therein.
4. Perused the FIR as at Annexure-1 and other documents enclosed to the bail application besides the impugned order dated 09.09.2021 under Annexure-3.
5. Gone through the contents of the FIR,
6. The informant father of the victim lodged the FIR on 02.08.2021 by stating therein that on 30.07.2021 at about 1.00 PM, his daughter was at home and the petitioner kidnapped her with an

assurance of false marriage and thereafter, established physical relationship with the victim and during the night on 01.08.2021, the accused abandoned her at a lonely place, where after, the incident was reported at the P.S. for action. In that connection, the Bheden P.S. Case No.168 of 2021 was registered post lodging of the FIR, whereafter, the petitioner was arrested and forwarded to the court.

7. Learned counsel for the petitioner submits that the accused was in a relationship with the victim and it is a case of elopement and that apart, there has been no objection from the side of the informant to the release of the petitioner on bail and considering the same and the period of detention, which is since 03.08.2021, the petitioner should be enlarged on bail with any conditions.

8. Learned counsel appearing for the informant did not raise any objection referring to an affidavit filed before the learned court below, wherein, no objection was submitted to the court concerned and submitted that appropriate order may be passed keeping in view the aforesaid development.

9. Learned counsel for the State submits that the victim is aged about 14 years and her statement under Section 164 of Cr.P.C. contradicts the claim of the learned counsel for the petitioner as well as the informant and while contending so, read out the said statement in order to indicate the circumstances under which the incident happened.

10. As per the FIR, the informant's father, in fact, alleged that the petitioner did commit the alleged mischief and kidnapped his minor daughter aged about 14 years and then, wrongfully established physical relationship with her. The victim appears to be aged about 14 years which is not in dispute. It is, however, submitted that the victim eloped with the petitioner and as far as

release of the petitioner is concerned, it is not objected to as revealed from Annexure-3, inasmuch as, the informant himself has filed the aforesaid affidavit dated 24.08.2021 stating that on account of misunderstanding between the parties, report was lodged before the police. The learned counsel for the informant being present did not oppose release of the petitioner.

11. Having regard to the above facts and submissions made by the learned counsels appearing for the respective parties and taking into account the fact that the petitioner is in judicial custody since 03.08.2021, the Court is of the considered view that the accused should be enlarged on bail with conditions and accordingly, it is ordered.

12. In the result, the petitioner is allowed to go 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, who shall impose such other conditions, as deemed just and proper, in the facts and circumstances.

13. The BLAPL is disposed of.

14. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

(R.K. Pattanaik)
Judge

