

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9628 of 2021

***Shesa @ Shesadev @ Sehsadeb
Dehury***

....

Petitioner

M/s. S.Panda, Advocate

-versus-

State of Orissa & another

....

Opp. Party

M/s. D. Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

25.08.2022

Order No.

- 06.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Boudh P.S. Case No.227 of 2021 corresponding to Special Case No.13 of 2021 pending in the Court of learned Sessions Judge-cum-Special Judge, Boudh for commission of offence punishable under Sections 341/376(3)/506/511 of I.P.C. read with Section 6 of the POCSO Act.
 3. It is submitted by learned counsel for the petitioner that the allegations against the petitioner are false and motivated and there is absolutely no materials available on record to justify the further detention of the petitioner for the purpose of the case and the petitioner being detained in custody since last one year may kindly be enlarged on bail.
 4. On contrary, learned counsel for the State by placing the statement of the victim recorded under Section 161 Cr.P.C. submits that it is a case of aggravated penetrative sexual assault of a innocent girl aged about 11 years and the petitioner having prima facie involved for such a case is thereby not entitled to release on bail. None appears on behalf of the victim to oppose the bail application of the petitioner despite being duly noticed as per instruction of learned counsel representing the State.

5. On coming back to the materials placed on record, there appears no dispute about the custody of the petitioner since 17.9.2021 and in the meantime charge sheet has already been submitted for offence under Sections 376(3)/341/342/376(2)(n) of the I.P.C. read with Section 6 of POCSO Act, but the F.I.R. has been lodged against the petitioner for offence under Sections 8 of POCSO Act and Sections 376(2)(i)/511/506/341 of the I.P.C.

6. Considering the nature and gravity of accusation coupled with facts narrated above and regard being had detention of the petitioner in custody since 17.9.2021 and no criminal antecedent having reported against the petitioner and the factum of resident of the petitioner being within the jurisdiction of Boudh district and trial having not commenced till today and taking into consideration the nature, character and strength of supporting materials on record and the avocation of the petitioner, this Court considers the bail application of the petitioner favourably. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bond of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court (POCSO) in seisin of the case on such terms and conditions as deem fit and proper by it with further condition that the petitioner shall not leave the jurisdiction of the Court without prior permission and the petitioner shall attend the trial Court on each date of posting without fail. Violation of any of the condition would entail automatic cancellation of the bail application of the petitioner.

7. Accordingly, the BLAPL stands disposed of.

(G. Satapathy)
Judge