

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9661 of 2021

Rajesh Kumar Jena

....

Petitioner

Mr. A.K. Jena, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. P.K. Maharaj, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

22.02.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Mr. Samarendra Bahadur enters appearance for the informant by filing valatnama, which is taken on record.
3. Heard learned counsel for the petitioner, learned counsel for the informant and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 29.10.2021 in connection with Soro P.S. Case No.379 of 2016 corresponding to Special Case No.552 of 2016 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge (POCSO), Balasore for the alleged commission of offence under Sections 376(1)/506 of IPC.
5. It is submitted that the petitioner and the victim were in love relationship, but because of some dispute, the petitioner left the victim which led her to lodge the FIR against him. It is submitted by learned counsel for the petitioner that the petitioner and the victim have in the meantime married, in support of which certain documents have been enclosed to the bail application.

6. Learned counsel appearing for the informant also supports such fact.

7. Learned Addl. Standing Counsel has not disputed the factual contentions as above, but submits that there is allegation of sexual assault in the Section 161 statement of the victim.

8. Having regard to the rival submissions as above, the materials on record, the period of detention, as also the fact that the petitioner and the victim have already married and are blessed with two children, I find no justified reason to detain the petitioner in custody any longer. The bail application is therefore, allowed. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

9. BLAPL is accordingly disposed of.

10. Issue urgent certified copy as per rules.

A.K. Rana

(Sashikanta Mishra)
Judge