

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9675 of 2021

Arjun Baskey

....

Petitioner

Mr. N. Behuria, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.04.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. It is submitted by learned State Counsel that notice has already been served on the victim on 25.01.2022. There is however, no appearance from her side. As such, the bail application is taken up for hearing.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
4. The petitioner is in custody since 15.09.2021 in connection with Mahakalapada P.S. Case No.29 of 2019 corresponding to G.R. Case No.364 of 2019 pending in the Court of learned Addl. Sessions Judge-cum- Special Judge, Kendrapara for the alleged commission of offence under Sections 363/366/376(3) of IPC read with Section 6 of POCSO Act.
5. The allegation against the petitioner is that he kidnapped the victim while she had gone out of her house to attend call of nature and thereafter forcibly committed sexual intercourse with her on the pretext of marriage. However, from the statement of the victim recorded under Section 161 of Cr.P.C., it is evident that both of

them were in love with each other for more than a year prior to the occurrence. The statement of the victim recorded under Section 164 Cr.P.C. is also on the same lines.

6. Having regard to the above facts, the period of detention of the petitioner in custody and the fact that charge sheet has already been submitted, I am inclined to allow the prayer for bail. 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.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

