

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9845 of 2021

Bhabani Behera

....

Petitioner

Mr. M. Chand, Advocate

- Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

Mr. P.K. Mishra, Advocate for informant

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.03.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard Mr. M. Chand, learned counsel for the petitioner, Mr. P. Tripathy, learned Addl. Standing Counsel for the State and Mr. P.K. Mishra, learned counsel appearing for the informant.
3. The petitioner is in custody since 19.08.2021 in connection with Ramachandrapur P.S. Case No.123 of 2021 corresponding to Special G.R. Case No.74 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge (POCSO Act), Keonjhar for the alleged commission of offence under Sections 363/366/376(3) of IPC read with Section 6 of POCSO Act.
4. It is submitted by Mr. Chand that if the statement of the victim recorded under Sections 161 and 164 of Cr.P.C. are perused, the same would clearly reveal that there was a love relationship between the petitioner and the victim and that she had left home on her own volition and moreover there is absolutely no allegation of rape.
5. Mr. Tripathy, learned Addl. Standing Counsel on the other hand has opposed the prayer for bail by submitting that having

regard to the age of the victim her consent is immaterial. The same is also the contention advanced by Mr. P.K. Mishra, learned Counsel appearing for the informant.

6. Having regard to the rival submissions, the materials on record, the period of detention and in particular the statement of the victim recorded under Sections 161 and 164 of Cr.P.C., 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

