

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9965 of 2021

Soumya Ranjan Behera

....

Petitioner

Mr. D.P. Dhal, Sr. Advocate along with
Mr. B.S. Dasparida, Advocate
-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

26.07.2022

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. Pursuant to order dated 17.05.2022, the victim and her mother have appeared before this Court virtually with the assistance of Secretary, DLSA, Jagatsinghpur, who is also present. On being asked, the victim stated that she has objection to the application for bail of the petitioner being allowed as she apprehends that he may threaten her if released on bail and that he may pose some danger to her family.
4. The petitioner is in custody since 26.08.2021 in connection with Biridi P.S. Case No.164 of 2021 corresponding to G.R. Case No.56 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge (POCSO), Jagatsinghpur for the alleged commission of offence under Section 376(2)(n)(3) of IPC read with Section 6 of POCSO Act.
5. It is alleged that the petitioner forcibly committed sexual intercourse with the victim on the pretext of marrying her. The statement of the victim recorded under Section 164 Cr.P.C. reveals

an entirely different story.

6. Considering the submissions of the learned counsel for the petitioner, learned State counsel as well as the victim and further taking into account the period of detention of the petitioner in custody, 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:

(i) He shall personally appear before the court in seisin over the matter on each date of posting of the case without fail and in case of even a single default necessary order shall be passed by the Court below to take him to custody again.

(ii) He shall not approach, threaten, coerce or pressurize the victim or her family members in any manner whatsoever.

(iii) He shall not attempt to make any sort of contact whatsoever with the victim or her family members either physically or telephonically.

(iv) It shall be open to the victim to move an application for cancellation of bail in the event of violation of any of the aforementioned conditions by the petitioner.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules

(Sashikanta Mishra)
Judge