

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11332 of 2022

Kasia @ Kasinath Naik **Petitioner**

Mr. P.C. Jena, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
20.12.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

This is an application under section 439 of Cr.P.C. in connection with Athagarh P.S. Case No. 122 of 2022 corresponding to Special G.R. Case No. 87 of 2022 pending in the Court of learned Addl. Sessions Judge -cum- Special Court under POCSO Act, Cuttack for alleged commission of offences under sections 376(2)(n)/506 of the Indian Penal Code read with sections 6 of the POCSO Act.

The bail application of the petitioner has been rejected by the learned Addl. Sessions Judge -cum- Special Court under POCSO Act I/C, Cuttack as per order dated 21.10.2022.

Considering the submission made by the learned counsel for petitioner that the petitioner is in judicial custody since 24.07.2022 and he has been charge sheeted under sections 376(2)(n)/506 of the Indian Penal Code read with section 6 of the POCSO Act and after going through the 164 Cr.P.C. statement of the victim placed by the learned counsel for the State in which she has stated about her love affairs with the petitioner and continuous physical relationship with the petitioner on the assurance of marriage, for which she became pregnant and gave birth to a male child and the child died and after going through the other materials available on record and on hearing the learned counsel for the State, I am inclined to release the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with such other conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

