

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11598 of 2022

Ajit Swain

.... ***Petitioner***
Mr. S.Dwibedi, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. P.K. Pattnaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
19.12.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Buguda P.S. Case No.91 of 2018 corresponding to G.R. Case No. 86 of 2018 pending in the file of learned J.M.F.C., Buguda for commission of offences punishable U/Ss. 341/323/294/506/376(2)(n)/34 IPC r/w Section- 6 of POCSO Act, on the allegation of committing repeated sexual forcible intercourse upon the victim.
 3. In the course of hearing of the bail application, Mr. S. Dwibedi, learned counsel for the Petitioner submits that if the allegations on record are taken into consideration, no offence U/S. 376(2)(n) of IPC is attracted against the petitioner as there was consensual relationship between the parties and the victim was aged about more than 18 years at the time of alleged occurrence and he therefore, accordingly prays to grant bail to the Petitioner.
 4. Mr. P.K. Pattnaik, learned A.G.A., although does not dispute about love relationship between the victim and Petitioner, but he

however, strongly opposes the bail application of the Petitioner on the ground that the victim has been forcibly raped by the Petitioner.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the Petitioner as also the gravity of offences and other surrounding circumstance including the pre-trial detention of the Petitioner since 15.10.2022 and regard being had to the submission of charge-sheet in the meantime and taking into consideration the nature of allegation raised against the Petitioner, this Court admits the Petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge