

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLPL No. 10884 of 2021

Anushaya @ Anusaya **Petitioner**
Sahoo @ Anu

Mr.A.Mishra, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

22.04.2022

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

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 Cr.P.C. in connection with Jajpur Road P.S. Case No.339 of 2020 corresponding to C.T. Spl. (POCSO) Case No.102 of 2020 pending in the Court of learned Adhoc Addl. Sessions Judge -cum- Special Judge (FTSC), Jajpur for alleged commission of offences under sections 366(A), 342, 376(2)(n), 294, 323, 506, 109/34 of the Indian Penal Code, sections 6 and 18 of the POCSO Act and sections 4, 5, 6 and 7 of Immoral Trafficking Prevention Act, 1986.

The prayer for bail of the petitioner has been rejected by the learned Adhoc Addl. Sessions Judge (FTSC), Jajpur vide order dated 25.11.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 28.08.2020 and she has been charge-sheeted under sections 366(A), 342, 376(2)(n), 294, 323, 506, 109/34 of the Indian Penal Code, sections 6 and 18 of the POCSO Act and sections 4, 5, 6 and 7 of Immoral Trafficking Prevention Act, 1986. It is contended by the learned counsel for the petitioner that the first bail application of the petitioner in BLAPL No. 8260 of 2020 was rejected by this Court as per order dated 03.03.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the victim. The next bail application of the petitioner in BLAPL No. 8699 of 2020 was disposed of. Learned counsel further submitted that two of the co-accused persons have already been released on bail i.e. Anil Dash in BLAPL No. 10906 of 2021 and Nabin Tom in BLAPL No. 10884 of 2021 and the victim has been examined in the learned trial Court as P.W.1 and she has stated that she did not know the accused persons, namely, Anushaya Sahoo (the present petitioner), Anil Dash and Nabin Tom. Learned counsel further submitted that since the similarly situated co-accused persons have already been released on bail, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, on the other hand, placed the evidence of the victim.

Considering the submissions made by the learned

counsel for the respective parties, change in the circumstances after rejection of the earlier bail application and since the victim has not identified the petitioner in Court and similarly situated co-accused persons have already been released on bail and taking into account the proviso to section 437(1) of Cr.P.C., I am inclined to reconsider the prayer and direct release of the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.20,000/- (rupees twenty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter and with further conditions as the learned Court may deem just and proper.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(**S.K. Sahoo**)
Judge

PKSahoo