

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10949 of 2021

Udit Sabar

....

Petitioner

M/s.M.K.Mohapatra, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

13.09.2022

Order No.

- 08.
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 Bhawanipatna Sadar P.S. Case No.347 of 2021 corresponding to C.T. Case No.1033/86 of 2021 (POCSO) pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for commission of offence punishable U/Ss. 363/366/376(2)(n)/506 of I.P.C. read with Section 6 of the POCSO Act on the allegation of kidnapping the victim and committing rape and aggravated penetrative sexual assault upon her by threatening.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the present case is outcome of a love affair and the petitioner has not at all applied force for kidnapping the victim nor there is any material to indicate that the petitioner has committed rape or aggravated penetrative sexual assault upon the victim. It is further submitted that since the petitioner is inside the custody with effect from 26.09.2021, he may kindly be released on bail in the circumstances of the case,.
 4. On contrary, learned counsel for the State, however, producing a copy of the statement of the victim recorded under Section 164 Cr.P.C. submits that the petitioner, having allegedly kidnapped and committed

penetrative sexual assault upon the victim stated to be aged about 14 years, does not deserve to be released on bail.

5. Considering the nature and gravity of allegations levelled against the petitioner and after going through the statement of the victim recorded under Section 164 Cr.P.C. and her age as stated by the victim herself to be 14 years in such statement and taking into consideration other material allegations placed on record against the petitioner for commission of aggravated penetrative sexual assault upon the victim , this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner stands rejected.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of the order be granted on proper application.

(*G. Satapathy*)
Judge

Kishore

