

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16336 of 2021

Rupesh Kumar Barik

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
21.01.2022

Order
No.

01.

1. This matter is taken up through virtual mode.
2. The Petitioner apprehending his arrest in Nilagiri P.S. Case No.326 of 2021 registered for alleged commission of offences punishable under Sections 447, 506, 342 and 376(1) of the I.P.C. read with Section 4 of the Protection of Children from Sexual Offence Act, 2012, has filed this petition for his release on pre-arrest bail.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. Learned counsel for the Petitioner submits that the allegation made against the Petitioner is false and concocted and the victim has not supported the case of the prosecution. As such, the Petitioner may be released on pre-arrest bail.
5. Learned counsel for the State fairly submits that the allegation made against the Petitioner is not substantiated from the statement of the victim recorded under Section 164 of Cr.P.C.

6. Considering the facts and submissions made, especially the nature of accusation, character of incriminating materials appearing against the Petitioner, circumstances in which the offences stated to have been committed and the fact that Petitioner has no chance of absconding and/or tampering with the investigation, if released on pre-arrest bail, this Court is of the view that the Petitioner has made out a case for his release on pre-arrest bail.

7. Hence, this Court directs that in the event of arrest of the Petitioner in connection with the aforesaid case, he be released on bail by the Officer effecting arrest on such terms and conditions as deemed just and proper including the condition that the Petitioner shall cooperate with the investigation,

8. The ABLAPL is, accordingly, disposed of being allowed.

9. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S.Pujahari)
Judge