

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.741 of 2021

Samanta Ghibila* *Appellant

Mr.T.Nanda, Advocate

-versus-

State of Odisha* *Respondent

*Mr.Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
01.08.2022**

Order No.

02.

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

Learned counsel for the State on instruction submitted that the victim has died in the meantime and her father has received the notice.

None appears for the informant.

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

This is an appeal under section 14-A(2) of the S.C. & S.T. (PoA) Act, 1989 in connection with Binika P.S. Case No. 61 of 2015 corresponding to Spl. G.R. Case No. 227 of 2015 pending in the file of Addl. Sessions Judge -cum-Special Judge, Sonapur in for the commission of offences under sections 376(2)(i), 294 and 506 of the Indian Penal Code, section 4 of the POCSO Act and section 3(1)(xii) of the S.C. & S.T. (PoA) Act.

The application for bail of the appellant has been rejected by the Addl. Sessions Judge -cum-Special Judge, Sonapur as per order dated 06.12.2021.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 06.12.2021 and he has been charge sheeted under sections 376(2)(i), 294 and 506 of the Indian Penal Code, section 4 of the POCSO Act and section 3(1)(xi) of the S.C. & S.T. (PoA) Act and in view of the nature of accusation against the appellant, he may be released on bail.

Learned counsel for the State has placed the 164 Cr.P.C. statement of the victim, who is aged about fourteen years in which she has implicated the petitioner in the commission of rape.

Though learned counsel for the petitioner has submitted that it is a clear case of consent, but in view of the age of the victim, such plea cannot be taken particularly at the stage of bail.

In view of the available materials on record, the age of the victim and the nature and gravity of accusation, I am not inclined to release the appellant on bail. However, the learned trial Court shall do well to expedite the trial.

The CRLA stands disposed of.

The order be communicated to the learned trial Court forthwith.

(S.K. Sahoo)
Judge

PKSahoo