

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11346 of 2021

Sudam Kanhar & another

.... ***Petitioners***
M/s. P.Sahu, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s. S.N.Das, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

26.08.2022

Order No.

- 03.
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 Petitioners for grant of bail in connection with Boudh P.S. Case No.186 of 2021 corresponding to C.T. Case No.347 of 2021 pending in the Court of learned S.D.J.M., Boudh for commission of offence punishable U/Ss. 363/366/366-A/370/34 of the I.P.C., on the allegation of human trafficking for the purpose of trade.
 3. In the course of hearing of the bail application, learned counsel for the petitioners submits that the victim has already crossed the age of minority and she has never put to any trade nor was not pushed to trafficking and more so the petitioners are innocent persons and they are permanent resident of village Samapaju in the district of Boudh. On these submissions, learned counsel for the petitioners prays for release of the petitioners on bail.
 4. On contrary, learned counsel for the State while opposing the bail application of the petitioners submits that the statement of the victim recorded under Section 164 of Cr.P.C. indicates that the petitioners are responsible for the trafficking of the victim and the petitioners are, thereby not entitled to bail.
 5. Considering the nature and gravity of accusations and keeping in

view the submission advanced on behalf of the petitioners and taking into consideration the status of the petitioner No.2 to be a lady and the period of detention of the petitioners since 16.9.2021 and keeping in mind the cherished object of personal liberty and the factum of resident of the petitioners as well as no material being collected by the investigating agency to suggest that the petitioners may abscond or temper with the evidence and the victim having already rescued, this Court feels it proper to enlarge the petitioners on bail.

6. Hence, the prayer for bail of the petitioners is allowed and the Petitioners be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper by it with further condition that the petitioners shall not leave the jurisdiction of the learned trial Court without prior permission.

7. Accordingly, the BLAPL stands disposed of.

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

(*G. Satapathy*)
Judge