

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12557of 2022

Rajesh Desinayak

.... **Petitioner**
Mr. Mahes Das, Advocate

-Versus-

State of Odisha and Another

.... **Opposite Parties**
Mr. S.S. Mohapatra, ASC, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTA

ORDER
22.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 439 Cr.P.C. is filed by the petitioner for bail in connection with KotagahP.S. Case No.110 of 2022 corresponding to C.T. Case No.60 of 2022 pending in the court of learned Additional District and Sessions Judge-cum-Special Court under POCSO Act, Phulbani for commission of offences under Sections 417, 376(2)(n) & 379 IPC.
 3. Perused the copy of the FIR as at Annexure-1.
 4. Learned counsel for the petitioner submits that the parties have married and before that they had relationship for some time and after marriage under the circumstances narrated by the victim in her statement recorded under Section 161 Cr.P.C. she left the petitioner, whereafter, a settlement was reached at which however did not yield any result and in the facts and circumstances of the case, the petitioner who has been languishing in jail custody since 5th November, 2022 should be released on bail, which is objected to

by Mr. Mohapatra, learned counsel for the State referring to the conduct of the petitioner for subjecting the victim to sexual abuse who was apparently a minor when it all started.

5. Copy of the Statement of the victim girl recorded under Section 161 Cr.P.C., which is at Annexure-2, is perused by this Court. The details of the relationship of the victim with the petitioner has been described therein so also she claims marriage with him but then, it appears that the victim was allegedly ill-treated by the petitioner sometime after their marriage. It seems that the parties have had consensual relationship for some time. Under the circumstances, the alleged FIR has been filed and petitioner has been in judicial custody from 5th November, 2022. Considering the above background facts, the Court is of the view that petitioner should be enlarged on bail subject to conditions.

6. Accordingly, it is ordered.

7. In the result, BLAPL stands allowed.

8. Consequently, it is directed that the petitioner be released on bail in connection with Kotagarh P.S. Case No.110 of 2022 corresponding to C.T. Case No.60 of 2022 pending in the court of learned Additional District and Sessions Judge-cum-Special Court under POCSO Act, Phulbanion furnishing a bail bond of Rs.40,000/- with one solvent surety for the like amount to the satisfaction of the learned court below, which shall impose such other conditions as would be deemed just and proper in the facts and circumstances of the case and that he shall not commit any further mischief or cause harm to the informant in any manner whatsoever.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge