

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11461 of 2021

Ajit @ Aju Behera

.... ***Petitioner***
Mr. J. Sahu, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
26.08.2022

Order No.

- 02.
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 Khaprakhhol P.S. Case No.123 of 2021 corresponding to Spl. G.R. Case No. 91 of 2021 pending in the Court of learned Additional Sessions Judge-cum-Special Judge (POCSO), Balangir for commission of offences punishable under Sections 363/417/376(2)(n)/506 of I.P.C. and under section 6 of the POCSO ACT on the allegation of kidnapping and committing rape and aggravated penetrating sexual assault on the victim by deceiving her and threatening her.
 3. In course of hearing of the bail application, learned counsel for the petitioner by placing the statement of the victim submits that the victim has already crossed the age of minority and the petitioner has not forcefully established any sexual relationship with the victim and the petitioner having detained in custody since 26.08.2021, may

kindly be enlarged on bail.

4. Learned counsel for the State however, vehemently opposes the bail application of the petitioner and he submits that the petitioner having been prima facie involved in case of aggravated penetrating sexual assault, should not be enlarged on bail.

5. Considering the nature and gravity of accusations and regard being had to the character, strength and evidence of supporting materials and keeping in view the pre trial detention of the petitioner since 26.08.2021 and the submissions advanced at the bar and there being no material collected by the investigating agency to suggest that the petitioner may tamper evidence or abscond in the case of enlargement on bail, this Court considers the bail application of the petitioner favourably and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- with one solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further condition that the petitioner shall attend the trial Court on each date of trial without fail unless his attendance is dispensed with by the learned trial Court and shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge