

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11497 of 2021

Tulu Sahoo

.... ***Petitioner***
Mr. T.K. Mohanty, Advocate

-versus-

State of Odisha

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

CORAM:
JUSTICE G. SATAPATHY

ORDER
06.09.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Mr. T.K. Mohanty, learned counsel enters appearance on behalf of the petitioner by filing Vakalatnama in Court today. The same be kept on record.
 3. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Baliana P.S. Case No.337 of 2021 corresponding to T.R. Case No. 494 of 2021 pending in the Court of Addl. District and Sessions Judge-Cum-POCSO, Bhubaneswar, Khordha for commission of offences punishable under Section 363 of I.P.C.
 4. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside custody since 10.11.2021 although no offence is stated to be made out against the petitioner. It is further submitted that the petitioner having not committed any offence and the medical report of the victim itself goes a long way to state that no offence has been committed upon the victim. It is also submitted by learned counsel for the petitioner that the victim has voluntarily come to the house of the petitioner and the

petitioner having not committed any penetrative sexual assault upon the victim may kindly be released on bail.

5. On contrary, learned counsel for the State, however, vehemently contends that the age of the victim is 15 years and the materials on record discloses a strong prima facie case against the petitioner for commission of aggravated penetrative sexual assault on the victim and the petitioner thereby is not entitled to bail.

6. Considering the nature and gravity of allegations levelled against the petitioner and taking into consideration the statement of the victim and keeping in mind the pre-trial detention of the petitioner since 10.11.2021 and charge sheet having already been submitted in this case and no material being placed on record to indicate that the petitioner would abscond or tamper evidence and regard being had to the nature, character and strength of supporting materials and the social status of the petitioner, this Court admits the petitioner to bail.

7. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- each with two solvent sureties 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 conditions 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 that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

8. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge

