

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12813 of 2022

Lulu Lama

...

Petitioner

Mr. S. Ahmed, Advocate

-versus-

State of Odisha and another

...

Opposite Parties

Mr. S.R. Roul, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
23.12.2022**

Order No.

01.

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 Spl. G.R. Case No.97 of 2022, subsequently renumbered as T.R. Case No.102 of 2022 arising out of Chandanpur P.S. Case No.221 of 2022 pending in the file of learned Addl. District Judge-Cum-Special Court, under POCSO Act, Puri, for commission of offences punishable under Sections 363/376(2)(n)/376(3) of IPC read with Section 6 of POCSO Act, on the allegation of kidnapping the victim and committing rape and aggravated penetrative sexual assault upon her.
3. In the course of hearing of the bail application, Mr. S. Ahmed, learned counsel for the petitioner submits that it is a clear case of elopement and the victim has voluntarily joined with the

petitioner and, thereby, the petitioner has no role in commission of any offence, rather the petitioner showing his bonafides, has returned the victim to her house and the petitioner having detained in custody for prolong period and charge having already been framed, he may kindly be granted bail.

4. On the contrary, Mr. S.R. Roul, learned ASC strongly opposing the bail application of the petitioner submits that when the victim has been raped by the petitioner, it would not be in the interest of justice to grant bail to the petitioner.

5. After having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the petitioner and on going through the statement of the victim as well as taking into account the other circumstance on record including the pre trial detention of the petitioner and keeping in view the fact that charge has already been framed in this case, this Court admits the petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two 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 conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case and that the petitioner shall report attendance before the Jurisdictional Police Station once in a week preferably on Monday

in between 12 Noon to 1 PM. for six(6) months. The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.
8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita

