IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7526 of 2024

Sanjib Manahira @ Behera **.....** ***Petitioner***

Represented By Adv. -
Arijeet Mishra

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented By Adv. –
Mr. A.P. Das, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
19.09.2024

Order No.

02. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Party. Perused the case diary as well as the bail application and documents annexed thereto.

3. Pursuant to the notice issued by this Court vide order dated 08.08.2024, the Victim is present before this Court through virtual mode.

4. This application has been filed under Section 439 of Cr.P.C. in connection with Jeypore Mahila P.S. Case No.98 of 2024, corresponding to G.R. Case No.732 of 2024, now pending before the learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Jeypore, for alleged commission of offences punishable under Sections 376(2)(n), 376(3), 323, 506, 313 of IPC read with Section 4

& 6 of POCSO Act.

5. Learned counsel for the Petitioner at the outset submitted that the Petitioner is in custody since 20.06.2024. He further contended that the Petitioner has been falsely implicated in the present case. Further, he submitted that there exists a previous enmity between two families, as a result of which the Victim has falsely implicated the Petitioner in the present crime. He further contended that the petitioner is an innocent person and that he has not committed the alleged crime. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions deemed fit by this Court which the Petitioner undertakes to abide by while on bail.

6. Learned counsel for the Victim on the other hand objected to the release of the Petitioner on bail on the ground that the Petitioner kept illicit relationship with the Victim while she was a minor, i.e., in the year of 2018. In such view of the matter, learned counsel for the Victim submitted that a case well made out against the present Petitioner for commission of the alleged offences as has been narrated in the FIR.

7. The Informant, who is present in Court today, stated before this Court that she does not want to release the Petitioner on bail at this juncture. She further contended that since 2018, the Petitioner kept physical relationship with her under force and at the relevant point of time the Victim was a minor. On such ground, the Informant submitted that the bail application be rejected at this juncture.

8. Learned Additional Standing Counsel for the State on the

other hand stated that there are materials on record to indicate that the Petitioner is directly involved in the alleged offence. Considering the seriousness and gravity of the allegation, the present crime is heinous in nature, therefore, the Petitioner is not entitled to be released on bail at this juncture. He further submitted that in the event the Petitioner is released on bail, there is every likelihood that he might harass, threaten or influence the Informant and other prosecution witnesses.

9. Taking into consideration the submissions made by learned counsels appearing for the respective parties and, on a careful examination of the surrounding facts as well as the materials on record, further taking note of the submissions made by the Informant, this Court is not inclined to grant bail to the petitioner at this juncture. However, liberty is given to the Petitioner to move a fresh bail application after examination of the Victim.

10. With the aforesaid observations/directions, the BLAPL stands disposed of.

(A.K. Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 24-Sep-2024 11:57:12