



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 769 of 2025

Bhalu @ Siraj Alii

....

Petitioner

Mr. A.Tripathy, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K. Ray, AGA

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

26.03.2025

Order No.

03.

1. Heard learned counsels for the respective parties.
2. It is informed to the Court by Mr. Ray, learned AGA for the State that notice vis-à-vis the informant is sufficient and none appears today.
3. Instant petition is filed for release of the petitioner on bail in connection with T.R. Case No.05 of 2025 arising out of Nayagarh Sadar P.S. Case No.228 of 2024 pending in the file of learned Additional Sessions Judge-cum-Special Judge under POCSO Act, Nayagarh on the grounds stated therein.
4. In course of hearing, Mr. Tripathy, learned counsel for the petitioner refers to the victim's statement recorded under Section 183 BNSS to submit that she eloped with the petitioner, who is not responsible for such elopement, so to say. With such submission, Mr. Tripathy, learned counsel for the petitioner prays for release of the petitioner on bail with any conditions. An objection is received from Mr. Ray, learned AGA for the State since the petitioner committed the mischief involving a minor, as by then, she was 14-15



years old. Upon a reading of the statement of the victim under Section 183 BNSS, the Court finds that she requested the petitioner to join her and both thereafter left together in a bike and stayed for about a month at different places. It is claimed by the victim that during such stay, she had physical relationship with the petitioner. Though, the victim's consent is immaterial being a minor but then, having regard to the circumstances leading to her disappearance and lodging of the FIR i.e. Annexure-1 and the fact that the petitioner has remained in custody from 22nd November, 2024 and in the meantime, with the closure of investigation, the chargesheet is filed, the Court is inclined to direct him to go on bail with following conditions.

5. Accordingly, it is ordered.

6. In the result, the petition stands allowed. As a necessary corollary, the petitioner is directed to be released on bail in connection with T.R. Case No.05 of 2025 arising out of Nayagarh Sadar P.S. Case No.228 of 2024 subject to him furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge under POCSO Act, Nayagarh, who shall impose such other conditions as deemed just and proper in the facts and circumstances of the case.

7. The BLAPL is disposed of.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 27-Mar-2025 19:43:38

