



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1292 of 2025

Tofan Rout@ Baikuntha Routray **Petitioner**
Mr. Debasnan Das, Advocate

-Versus-

State of Odisha & another **Opposite Parties**
Mrs.U.R.Padhi, ASC
Mr. B.K.Nayak, Advocate for Informant

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.03.2025

Order No.

01.

1. Heard Mr. Das learned counsel for the petitioner and Ms. Padhi, learned ASC for the State as well as Mr. Nayak, learned counsel for the informant.
2. Instant petition under Section 483 BNSS is filed for release of the petitioner on bail in connection with Govindpur P.S. Case No. 234 of 2024 corresponding to Spl.G.R. Case No. 200 of 2024 pending in the file of learned ADJ-cum-Special Court under POCSO Act, Cuttack on the grounds stated therein.
3. In course of hearing, Mr. Das, learned counsel for the petitioner refers to the counter F.I.R. as at Annexure-2 to submit that immediately after the alleged incident, the report was lodged, against the family of the victim. It is submitted that the parties are in dispute, hence, the allegation having committed the alleged mischief by the petitioner is a falsehood. At the same time, the submission is that the petitioner has been adequately penalized and since arrested and custody from 15th March, 2025 after having surrendered before



the learned court below and in absence of criminal proclivity, he should be allowed to go on bail with any conditions which is seriously objected by Mr. Nayak, learned counsel for the informant in view of the mischief committed by him involving a minor aged about ten years. Similar objection is received from Ms. Padhi, learned ASC for the State.

4. Gone through the contents of the F.I.R. as at Annexure-1. Admittedly, a counter F.I.R. is lodged on 17th November, 2024 from the side of the petitioner. The minor victim's statement under Section 180 BNSS is also perused. The nature of mischief committed by the petitioner aged about fifty-five years is alleged by the victim. An offence under Section 8 of the POCSO Act is alleged against the petitioner, who happens to be known to the family of the victim. Considering the above facts and submissions of learned counsel for the respective parties and since, in the meantime, the chargesheet is filed in the month of February, 2025 for the alleged offences including one under Section 8 of the POCSO Act, the Court is of the view that the petitioner should be allowed to go on bail, however, with stringent conditions.

5. Accordingly, it is ordered.

6. In the result, the petition under Section 483 BNSS stands allowed. Consequently, the petitioner is directed to be released on bail in connection with Govindpur P.S. Case No. 234 of 2024 corresponding to Spl.G.R. Case No. 200 of 2024 subject to him furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned ADJ-cum-Special Court under POCSO Act, Cuttack, who shall impose such other suitable conditions as deemed just and proper in the facts and circumstances of the case besides the



following, such as, he shall not cause any harm to the minor victim and pick up quarrel or fight with her family members and to cause any further injury to them in any manner, whatsoever, while on bail and to furnish an undertaking to that effect at the local P.S. after being released.

7. The BLAPL is disposed of.
8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

kabita

Signature Not Verified

Digitally Signed
Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC,Cuttack
Date: 25-Mar-2025 12:03:21

