



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1260 of 2025

Siba Hans

.... **Petitioner**

Mr. R.N. Prusty, Advocate

-Versus-

State of Odisha and another

.... **Opposite Parties**

Mr. P. Satapathy, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

26.03.2025

Order No.

02.

1. Heard Mr. Prusty, learned counsel for the petitioner and Mr. Satapathy, learned ASC for the State.

2. Instant petition under Section 483 BNSS is filed seeking release of the petitioner on bail in connection with S.A. No.20 of 2023 pending in the file of learned Additional District Judge-cum-Special Judge (POCSO), Nuapada corresponding to Sinapali P.S. Case No.314 of 2022 on the grounds stated therein.

3. Mr. Satapathy, learned ASC for the State submits that he has no instructions, whether, notice has been served on the informant in the meantime. This Court by order dated 24th February, 2025 had directed to ensure such service of notice on the informant with the assistance of the local P.S. In the meantime, a month has gone by and still no instructions have been received. Considering the submission of Mr. Prusty, learned counsel for the petitioner and the materials on record as the case diary and other relevant documents have been produced today by Mr. Satapathy, learned ASC for the



State, the Court is inclined to proceed to dispose of the petition by the following order in order to avoid further delay.

4. Mr. Prusty, learned counsel for the petitioner submits that it is a case of elopement and as the petitioner is in custody since arrested, he should be allowed to go on bail with any conditions. Gone through the statements of the witnesses recorded under Section 161 Cr.P.C. including that of the informant father. The informant claimed that the petitioner induced the minor daughter to accompany him and thereafter, sexually exploited her. The version of the victim under Section 164 Cr.P.C. is otherwise as she claims kidnapping in the hands of the petitioner. The petitioner and the victim stayed together for some days and lived like husband and wife as per her own version. The same is also revealed from the statements of the witnesses recorded during investigation. It is of course made to reveal that the victim was subjected to physical relationship during such stay with the petitioner. The very statement of the informant is that the petitioner to be responsible for the alleged elopement. In fact, it is claimed that the minor was induced and hence, she joined the petitioner. Considering the circumstances leading to the disappearance of the victim, subsequent to which, a missing report was lodged and the fact that she lived with the petitioner for quite some without any protest and though, her consent to be no consent in the eye of law being a minor, upon closure of investigation and the chargesheet having been filed in the month of June, 2024 and the custody of the accused since 14th August 2022, the Court is inclined to allow him to go on bail with following 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 S.A. No.20 of 2023 arising out of Sinapali P.S. Case No.314 of 2022 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 Additional District Judge-cum-Special Judge (POCSO), Nuapada, who shall be at liberty to 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 and injury to the victim 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

Balaram

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 27-Mar-2025 11:46:33

