



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1327 of 2025

Fakir Mohan Naik

....

Petitioner

Mr. P.K.Maharaj, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.Satapathy, ASC

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

24.03.2025

Order No.

- 03.
1. Heard learned counsel for the petitioner and State.
 2. Instant petition is filed for release of the petitioner on bail in connection with Special G.R. Case No. 2 of 2025 arising out of Khandapada P.S. Case No. 7 of 2025 pending in the file of learned Sessions Judge-cum-Special Court under POCSO Act, Nayagarh on the grounds stated therein.
 3. Gone through the F.I.R.as at Annexure-1.
 4. In course of hearing, the victim's statement recorded under Section 180 BNSS is produced and the same is gone through. According to the victim, she was subjected to physical relationship by the petitioner. Mr. Maharaj, learned counsel for the petitioner submits that the minor victim, since went missing, the report was lodged by the informant mother. A copy of the statement of the mother of the victim is made available to the Court by learned counsel for the petitioner and the same is also perused. It appears that the petitioner is a front door neighbour and hence, known to the family of the victim and as it appears, had been in a relationship with her and during the night of 6th January, 2025 she disappeared, later to which, the F.I.R. was lodged. A copy of the medical



examination report of the victim is also produced with a claim that she was not subjected to any physical relationship. But, in course of investigation, it is claimed otherwise by the minor stating that she was in a sexual relationship with the petitioner. Nevertheless, considering the submissions of the learned counsel for the respective parties and though the victim's consent is no consent in the eye of law and she apparently eloped with the petitioner, who, admittedly, a married person but aged about twenty two years only, the Court is of the considered view that he should be allowed 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 Special G.R. Case No. 2 of 2025 arising out of Khandapada P.S. Case No. 7 of 2025 subject to him furnishing a bail bond of Rs.40,000/- (rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned Sessions Judge-cum-Special Court under POCSO Act, Nayagarh, who shall be at liberty to impose such other 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 any of her family members after being released.

7. The BLAPL stands disposed of.

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

Signature Not Verified

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



(R.K. Pattanaik)
Judge