

(2024) 05 OHC CK 0068

In the Orissa High Court

Case No : Bail Application No. 2317 Of 2024

Kartik Majhi @ Badrinath

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 06-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 147, 149, 305, 451, 506
Protection of Children from Sexual Offences Act, 2012 — Section 12

Citation : (2024) 05 OHC CK 0068

Hon'ble Judges : Dr. S.K. Panigrahi, J

Bench : Single Bench

Advocate : P.K. Satapathy, G.R. Mohapatra

Final Decision : Disposed Of

Judgement

Dr. S.K. Panigrahi, J

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The Petitioner being in custody in connection with Koksara P.S. Case No.197 of 2020 corresponding to C.T. Case No.281/62(A) of 2020 pending in the court of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna, for the offences under Sections 147/451/506/305/149 of IPC read with Sect.12 POCSO Act has filed this application for release on bail.
4. The brief fact of the case is that the informant father of the deceased-victim girl lodged a complaint before the IIC, Koksara PS alleging therein that on 31.07.2020 at about 8:30 PM, accused Sahil Naik abused his son in obscene languages and threatened to kill over phone. On 01.08.2020 at about 11:30 PM, accused Manoj Naik, Sahil Naik, Prema Barik, Chanda Lahajal, Rupesh Naik and Bira Gopal came to his house and opened the door by force and abused his son in obscene languages and threatened to commit rape on his deceased victim-

daughter, for which his victim deceased daughter committed suicide by hanging herself.

5. Learned counsel for the petitioner submits that the petitioner is an innocent and no way connected in the said offence. The Petitioner is in custody since 19.11.2023. He further submits that the conduct of the Petitioner inside the custody is satisfactory. He further undertakes that if the Petitioner is released on bail, he shall plant 200 trees around his village Reinguda under Ampani P.S.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

7. Without going into the merit of the matter and considering the facts and submission made, this Court is inclined to release the Petitioner on bail. Accordingly, it is directed that the court in seisin over the matter shall release the Petitioner on bail in the aforesaid case on stringent terms and conditions with further conditions that:

i. the Petitioner shall plant 200 trees like mango, tamarind etc. around his village- Reinguda under Ampani P.S.

ii. the Petitioner shall start planting trees as soon as the rainy season approaches and will maintain those plants.

iii. the Petitioner shall appear before the local police station once in a week on Monday in between 10 A.M. to 1.00 PM.

iv. the Petitioner shall not indulge himself in any criminal offence while on bail.

v. he shall not tamper the evidence of the prosecution evidence in any manner.

8. The Ampani P.S. shall see whether the Petitioner has planted the tree or not.

9. The District Nursery shall extend the helping hand by supplying plants to the Petitioner.

10. Violation of the aforesaid conditions may entail consideration for cancellation of the bail granted to the Petitioner.

11. The BLAPL, is accordingly, disposed of.

12. Urgent certified copy of this order be granted on proper application.

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