

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 654 of 2022

Muna Mallik

.... **Petitioner**

Mr. M. Khatua, Advocate

- Versus -

State of Odisha

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.04.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 28.11.2021 in connection with Erasama P.S. Case No.124 of 2019 corresponding to Special G.R. Case No.61 of 2020 pending in the Court of learned Addl. Sessions Judge –cum- Special Judge, Jagatsinghpur for the alleged commission of offence under Sections 363/506/34 of IPC.
4. As directed, learned State Counsel has obtained instructions through the I.O. that the petitioner and the victim have in fact married and have been blessed with a child and further that the victim is presently residing happily in her in-laws house. Be that as it may, considering the materials on record and particularly, the statement of the victim recorded under Section 164 Cr.P.C., a case of rape, prima face, is difficult to make out.
5. Having regard to the above circumstances, the period of detention in custody and the fact that charge sheet has already been submitted, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose

including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

