

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.122 of 2022

Manoj Kumar Behera* *Appellant

Mr.Samvit Mohanty, Advocate

-versus-

1. State of Odisha

2. Liza Behera

.... Respondents

*Mr.Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
29.08.2022**

Order No.

05.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the State submitted that the notice on the respondent no.2- the informant in the case, has already been served.

None appears for the respondent no.2.

Learned counsel for the appellant files the surrender certificate in Court today, which is taken on record.

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with C.T. Case No.156 of 2021 arising out of Jagatsinghpur P.S. Case No.499 of 2021 pending in the Court of learned Addl. Sessions

Judge -cum- Special Judge, Jagatsinghpur for offences punishable under sections 376(2)(n), 294, 323 and 506 of the Indian Penal Code, section 66 of the Information Technology Act read with sections 3(1)(r)(s)(w)/3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Judge, Jagatsinghpur which was rejected on 09.02.2022.

Learned counsel for the appellant submits that the appellant was taken into judicial custody on 07.10.2021 and as per the order of this Court dated 19.05.2022, he was granted interim bail for two months and after availing the same, he has surrendered at right time. Learned counsel further submitted that though charge sheet has been submitted, inter alia, for commission of the offence under section 376(2)(n) of the Indian Penal Code, but in the meantime the victim has been examined in the learned trial Court as P.W.1 and her evidence is silent about commission of rape on her rather she stated that there was love affairs between her and the appellant and the appellant proposed her for marriage and when she entered into the relationship with the appellant, she was twenty years old and their love relationship such as moving together, taking photographs etc. was according to their will and she has stated that she is not the scribe of the F.I.R. and she does not know about contents of such F.I.R. as well as who scribed the F.I.R. The certified copy of the evidence of the victim filed by the learned

counsel for the appellant is taken on record.

Learned counsel for the State placed the evidence of the victim.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the victim during trial, the conduct of the appellant in complying with the earlier interim bail order of this Court and taking into account the period of detention of the appellant in judicial custody, I am inclined to release the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The CRLA is accordingly disposed of.

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

(S.K. Sahoo)
Judge