

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1573 of 2022

Srikant Nayak @ Kanta Badli **Petitioner**
Mr. B.R. Tripathy, Adv.
- Versus -
State of Odisha **Opp.Party**

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

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
06.09.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 10.09.2020 in connection with Deogarh P.S. Case No.211 of 2020 corresponding to S.T. Case No.36/05 of 2020-21 pending in the Court of learned Addl. Sessions Judge, Deogarh for the alleged commission of offence under Sections 376(1)/506/498-A/494 of IPC
4. It is alleged that despite being married with two children, the petitioner kept physical relationship with the victim by falsely assuring her of marriage by concealing the fact of his own marriage. The relationship seems to have continued for long time and the victim became pregnant. As a result, when the victim disclosed her pregnancy, the petitioner went back of his promise for which the FIR was lodged.
5. Taking into consideration the nature of accusations and the period of detention of the petitioner in custody as also the assurance given by the petitioner through his counsel that he

shall maintain the child without prejudice to the outcome of the case, I am inclined to take a lenient view in the matter. 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 following conditions.

- (i) He shall deposit a sum of Rs. 2,500/- (Rupees Two Thousand Five Hundred) only in the local post office in every month in the name of the child being represented by her mother to be maintained as a Recurring Deposit till his attaining majority.
 - (ii) Such deposit shall be without prejudice to the case of the parties and shall not be revoked in any manner notwithstanding the result of the criminal trial.
 - (iii) The amount so deposited in the post office every month shall not be withdrawn or released except for the welfare of the child after obtaining leave of the court in seisin over the matter. For the above purpose, the Court may take the assistance of the local child welfare committee.
- 6. With these observations, the BLAPL is disposed of.
 - 7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana