

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.161 of 2022

Bablu Parmanik

....

Appellant

Mr.Partha Sarathi Nayak,Advocate

-versus-

State of Odisha and another

....

Respondents

Mr.P.C.Das, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.05.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Appellant as well as learned Additional Standing Counsel.
3. This is an appeal filed under Section 14(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. The present appeal is directed against the order dated 25.02.2022 passed by the learned 1st ADJ-cum-Spl. Judge, Rourkela in rejecting the bail application of the appellant in connection with Plantsite P.S.Case No.501 of 2021 corresponding to Special G.R.Case No.41 of 2021 pending in the Court of the learned 1st ADJ-cum-Spl.Judge, Rourkela for alleged commission of offences under Section 376(2)(n), 417,341,323,294,506 of the Indian Penal Code read with Sections 66(E)/67/67(A) of I.T.Act, and Sections 3(1)(r)/3(1)(s)/3(2)(v)/3(2)(Va) of S.C. & S.T.(PoA) Act.
5. The prosecution case in brief is that the informant came in

contact with the Petitioner during a computer training class and she knows the appellant since last five years. Subsequently he kept physical relationship with the informant on the promise of marriage. Taking advantage of the weak moment the appellant captured a few intimate photos of the informant. When the informant requested for marriage, the appellant made caste related aspersions to the informant and threatened her if she disturbs him again then he will viral her photos. Further the appellant sexually exploited the informant repeatedly. In the meanwhile the appellant got married elsewhere and the marriage of the informant was also fixed elsewhere. However, on 22.12.2021 the appellant called the informant over phone and when the informant reaching the meeting place the appellant assaulted the informant and made caste related aspersions and threatened the informant that if she establishes sexual relationship with any other person, then he will viral all her nude photos and kill her family.

6. It is submitted by the learned counsel for the Appellant that the appellant is in custody since 26.12.2021 and the investigation has been completed and charge sheet has been submitted. Relying upon the 164 Cr.P.C. statement of the victim, learned counsel for the appellant submits that the relations

hip was consensus. Both the appellant and the victim are major. It is further contended by the learned counsel for the appellant that the victim has falsely implicated the present appellant in the present case and that since the appellant is a local resident having his immovable properties, there is no chance of his absconding or fleeing away from the hands of justice. Further in the event the appellant is released on bail he will appear before the trial court on each date of posting of the case and he shall abide by any terms and conditions that may be imposed by this Court.

7. Learned Additional Standing Counsel on the other hand submits that due to misunderstanding the present case has been foisted. Further he has submitted that the victim has love relationship with the appellant and they had previous relationship on consent of both parties. On 08.02.2022 an affidavit has been filed before this Court that the informant does not want to object for release of the appellant on bail.

8. Having heard learned counsel for the parties and keeping in view the surrounding circumstances of the present case and keeping in view the period of custodial detention of the appellant and considering the statement recorded under Section 164 Cr.P.C. and other materials on record, this Court is inclined to release the appellant on bail and the appellant be released on bail in the aforesaid case subject to the appellant furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.

vi) Violation of any of the terms and conditions shall entail cancellation of bail.

9. The impugned order dated 25.02.2022 passed by the learned 1st ADJ-cum-Spl. Judge, Rourkela in Spl. G.R.Case No.41 of 2021 is hereby set aside.

10. With the aforesaid observation the appeal is allowed without cost.

11. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

