

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.199 of 2022

Ambika Chandra Pradhan *Appellant*
Mr. Bijaya Kumar Ragada, Advocate
-versus-
State of Odisha and another *Respondents*
Mr.K.K. Nayak, ASC for State-Respondent No.1

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
17.05.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant and learned counsel for the State-Respondent No.1. Perused the Case Diary, F.I.R. and statement of the witness on record.
3. This appeal has been filed by the Appellant challenging the order dated 15.03.2022, passed by the learned Sessions Judge-cum-Judge (Special Court), Sambalpur, in Special G.R. Case No.4 of 2022, arising out of Mahila P.S. Case No.14 of 2021, for commission of alleged offences under Sections 493/417/313/294/506 of I.P.C. read with Section 3(2)(r)(s)/ 3(2)(v)(va) of S.C. and S.T. (Prevention of Atrocities) Act, 1989, rejecting the bail application filed by the Appellant.
4. The prosecution case, in brief, is that one Sanjukta Sae, D/o. Jugal Kishore Sae of Dulub, PS-Jamankira, Dist.-Sambalpur lodged

an information before the IIC Mahila P.S. on 22.01.2022 alleging therein that the present Appellant kept physical relationship on a false assurance to marry since last 6 years. From 2019 to the Appellant kept physical relationship with the complainant in various places of Sambalpur and Bhubaneswar. The complainant further alleged that the Appellant forced her to abort 5 times. When the complainant asked the Appellant to marry her, he abused him by naming of her caste and threatened to kill her in life. Later she came to know that the Appellant married to another girl. Accordingly, the present FIR has been filed against the Appellant.

5. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 15.03.2022. It is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. Referring to 164 statement of the victim girl, learned counsel for the Appellant submits that she was in love relationship with the Appellant for six years and they have developed physical relationship over the years. However, when the Appellant married to another girl, the problem arose between the parties. Accordingly, FIR was lodged against the present Appellant to harass him. He further submits that Appellant is an employee of Rourkela Steel Plant, therefore, there is no chance of absconding the trial of the case in the event release on bail and appear before the trial court on each and every date as fixed by this Court.

6. The Informant appeared in person in Court on 26.04.2022 and objected the bail application of the Appellant. She further submits that in the event of release on bail, there is possibility that the Appellant might influence, threaten the victim girl.

7. Learned counsel for the State on the other hand submits that the nature of allegation in the FIR is very serious. Although he does not dispute that they developed relationship over last six years on false assurance of the Appellant to marry her and now he abandoned such proposal. Accordingly, he objects the bail application of the Appellant.

8. Considering the aforesaid facts and circumstances of the case and the statement of the victim girl recorded under Section 161 Cr.P.C. and further considering the fact that Petitioner is in jail custody since 15.03.2022, this Court sets aside the order 15.03.2022, passed by the learned Sessions Judge-cum-Judge (Special Court), Sambalpur, in Special G.R. Case No.4 of 2022, arising out of Mahila P.S. Case No.14 of 2021. It is further directed that let the Appellant be released on bail subject to furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the terms and conditions as fixed by the trial court. Further, the court below shall do well to impose condition that the Appellant shall not influence or threaten or terrorize the victim girl or any of the prosecution evidence, it is open for the trial court to revoke the bail application of the Appellant and issue NBW and take the Appellant to custody forthwith.

9. With the above direction, the CRLA is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge