

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2975 of 2022

***Sudam Singh @ Sudam
Kumar Singha***

....

Petitioner

Mr.D.J. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. D.K. Pani,
Addl. Standing Counsel
Sk. Ruplal, Advocate (for the
informant)*

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

**ORDER
20.04.2022**

Order No.

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

Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the informant.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Bhograi P.S. Case No.44 of 2022 corresponding to C.T. Case No.59 of 2022 pending in the Court of learned Gram Nyayalaya -cum- J.M.F.C., Bhograi for alleged commission of offences under sections 363, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that though

the case was registered under sections 363, 506/34 of the Indian Penal Code, a writ petition in the nature of habeas corpus bearing WPCRL No.15 of 2022 was filed by the father of the victim in which the victim was produced and she gave a statement and accordingly, the WPCRL was disposed of with the following observation:

“3. The victim girl, who is the daughter of the petitioner, was found to be major on verification of her certificate after she was rescued by the police on 27.01.2022. Her statement was recorded and she, out of her own volition, decided to stay with her husband, who is alleged to have kidnapped her.

4. As the victim girl is a major, she can choose a partner according to her wish and this Court cannot interfere in such choice. However, if the petitioner wants to live with the girl (his daughter), he can approach the local police station under which the victim girl is staying with her husband, and under the supervision of the police, the petitioner can meet the victim girl.”

Learned counsel for the State submits that the 164 Cr.P.C. statement of the victim has been recorded in which she has stated that she voluntarily went with the son of the petitioner, got married and she is staying in her in-law's house with her husband.

Considering the submissions made by the learned counsel for the respective parties, in view of the statement of the victim and the observation made by the Division Bench of

this Court in the WPCRL, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the Courts or to the Investigating Officer.

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

The ABLAPL is accordingly disposed of.

(**S.K. Sahoo**)
Judge

PKSahoo