

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.201 of 2022

Chaitan @ Chaitanya Sahu ***Appellant***

Mr. Jnyanananda Panda, Advocate
-versus-

State of Odisha and another ***Respondents***

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.07.2022

Order No.

03.

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.

Despite issue notice on the Respondent No.2, none appears on behalf of the Respondent No.2 when the matter is called.

3. This appeal has been filed by the Appellant challenging the order dated 02.02.2022, passed by the learned Sessions Judge-cum-Special Judge, Bhawanipatna in C.T. Case No.51 of 2021, arising out of Narla P.S. Case No.194 of 2021 for commission of alleged offences under Sections 376(2)(n)/506/313 of I.P.C. read with Section 3(2)(v) of S.C./S.T. (POA) Act, rejecting the bail application

filed by the Appellant.

4. The prosecution case, in brief, is that on 05.09.2021 the informant lodged a written report before the IIC Narla P.S. to the effect that she had love relation with the appellant since last two years. The appellant kept physical relationship with the victim without her consent and gave her false assurance of marriage. Consequently the informant became pregnant and subsequently, it is alleged that the appellant administered medicines to abort the child.

5. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 08.09.2021. It is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. It is submitted that the victim is a consenting party and she had kept physical relationship with the appellant. Since charge-sheet has been submitted in the meantime, there is no chance of the Petitioner to evade the process of trial.

6. Learned counsel for the State on the other hand submits that the nature of allegation made in the FIR is very serious. Accordingly, a prayer has been made to reject the bail application of the Appellant.

7. Considering the aforesaid facts and circumstances of the case and keeping in view the nature of allegation made and the period of detention of the Appellant, this Court sets aside the order dated 02.02.2022, passed by the learned Sessions Judge-cum-Special Judge, Bhawanipatna in C.T. Case No.51 of 2021, arising out of Narla P.S. Case No.194 of 2021. It is further directed that let the Appellant be released on bail subject to furnishing a bail bond of Rs.30,000/-(Rupees Thirty thousand) with two solvent sureties for

the like amount to the satisfaction of the learned court in seisin over the matter subject to the terms and conditions as would be 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 any of the prosecution witness, violation of which, 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.

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

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

Jagabandhu

