

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2548 of 2022

Abhaya Bandichhod

....

Petitioner

Mr. D. Panda,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
11.4.2022.

Order No.

01.

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 5th February, 2022 in connection with Bhawanipatna Town P.S. Case No.43/2022 corresponding to C.T. Case No.133/2022 pending in the court of learned S.D.J.M., F.C., Bhawanipatna for the alleged commission of the offence under Sections 294/323/341/417/493/34 of I.P.C.
4. The prosecution allegation is that with the false assurance of marriage, the Petitioner kept physical relationship with the

victim for a long time, but thereafter when he went back on his promise, F.I.R. was lodged. From the F.I.R. and the statements recorded under Section 161 and 164 of Cr.P.C., which are enclosed to the Bail Application, it is evident that the victim, being aged about 27 years, was in a long relationship with the Petitioner for about four years prior to the occurrence and, therefore, the relationship between them was purely consensual in nature. Even the allegation that she was kept in a Hotel for 12 days and was ravished against her will is prima facie, difficult to believe in view of the facts and circumstances of the case.

5. Having regard to the above facts and the period of detention in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of the case without fail.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

