

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.211 of 2022

Arabinda Meher

Appellant
.....
Ms.Ankita Mukherji, Advocate

-versus-

State of Odisha and others

Respondents
.....
Mr.P.C.Das, ASC for State-Respondent No.1

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
19.05.2022**

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.
3. This appeal has been filed by the Appellant challenging the order dated 10.03.2022, passed by the learned Special Court (S.C. & S.T. (POA), Balangir, in Spl. G.R. No.11 of 2022, in connection with Loisinga P.S. Case No.0060 of 2022 for commission of alleged offences under Sections 376/450 of I.P.C. r/w Sections 3(2)(v) of S.C. & S.T. (POA) Act, rejecting the bail application filed by the Appellant.
4. It is submitted by learned counsel for the Appellant that Appellant is in custody since the date of his arrest, i.e. 25.02.2022. It

is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. The further submission is that the allegations made in the FIR are false and fabricated one. It is also submitted that Petitioner and the victim girl had love relationship for past four years and on consent they developed physical relationship. In the meantime, the statement of the victim girl has been recorded under Section 164 Cr.P.C. It is submitted that the dispute arose when Petitioner refused to marry the victim girl who lodged the present FIR only to harass and humiliate him and to see him behind the bar. In the meantime, investigation has substantially been progressed; therefore there is no chance of absconding or evading the process of law. In such view of the matter, learned counsel for the Appellant prays that the Appellant may be enlarged on bail on such terms and conditions as deem fit and proper by this Court.

5. Learned counsel for the State opposes the move of the Appellant on the ground that the allegations made against the Appellant is serious in nature and further submits that prays for rejection of the bail application of the Appellant.

6. Having heard learned counsel for the Respondents and considering the materials available on record as well as the submission of the Informant, this Court sets aside the order dated 10.03.2022, passed by the learned Special Court, S.C. & S.T.(POA), Balangir, in Spl. G.R. No.11 of 2022, in connection with Loisinga P.S. Case No.0060 of 2022. 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 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 the Informant or her family members or any of the prosecution evidence in any manner whatsoever, in such event, it is open for the trial court to revoke the bail application of the Appellant and issue NBW and take the Appellant to judicial custody forthwith.

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

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

(A.K. Mohapatra)
Judge

U.K.Sahoo

