

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3084 of 2022

Basanta Kumar Dakua

....

Petitioner

Mr. A.K.Mohanty,
Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr.S.K.Mishra,
Addl. Standing Counsel

Mr. R.K.Rath, Advocate
(For informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
19.5.2022.

Order No.

05.

1. This matter is taken up through hybrid mode.

2. It is submitted by learned counsel for the Petitioner that the Petitioner has surrendered to custody on 16th May, 2022, but the surrender certificate has not been obtained as yet.

3. Heard learned counsel for the Petitioner, learned counsel for the informant and learned Addl. Standing Counsel for the State.

4. The Petitioner is in custody since 11th February, 2022 in connection with Pattapur P.S. Case No.33/2021 corresponding to G.R. Case No.33/2021 pending in the court of learned Addl.District Judge-cum-Special Court under POSCO Act, Berhampur for the alleged commission of the offence under Sections 376(3)/376(2)(n)/294/506 of the I.P.C. read with Section 3(1)(r) (s) and Section 3(2) (v) of the SC and ST (P.A.) Act, 1989 and Section 67 (B) of the I.T. Act as well as Section 6 of the POSCO Act.

5. It is alleged that though the Petitioner proposed to marry the victim after being released on bail, yet neither his family nor the family of the victim agreed to the same.

6. Learned counsel for the informant/victim submits that the family of the informant is not interested for the proposed marital relationship. It is alleged that the Petitioner who was in love with the victim for the last four years kept physical relationship with her against her will. However, the statement recorded under Section 164 of Cr.P.C., prima facie, does not reveal that the said relationship was against her will.

7. Considering the above facts, the materials on record and the period of detention of the Petitioner 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 trial court on each date

of posting of the case and in case of even a single default, necessary orders shall be passed by the court to take him to custody again.

8. The BLAPL is disposed of.

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

AKB



(Sashikanta Mishra)
Judge