

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.261 of 2022

Sushanta Dhal

Appellant
....
Mr. Julu Khansma, Advocate

-versus-

State of Odisha and another

Respondents
....
Mr.M.K. Mohanty, ASC for State-Respondent No.1

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.06.2022

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.
3. This appeal has been filed by the Appellant challenging the order dated 28.03.2022, passed by the learned Addl. Sessions Judge-cum-Special Judge, Rairakhol in S.T. Case No.58 of 2021, arising out of Charmal P.S. Case No.176 of 2021, for commission of alleged offences under Sections 366/376(2)(n)/506 of I.P.C. and Section 3(2)(v)/3(1)(r) of S.C. and S.T. (PA) Act, rejecting the bail application filed by the Appellant.
4. Learned counsel for the Appellant submits that the Appellant is in jail custody since 18.12.2021. It is further submitted that police after completion of investigation has filed charge-sheet against the

Appellant and other persons. It is also submitted that the present Appellant and Respondent No.2 belongs to one village and were in love relationship. But due to misunderstanding between the parties, Respondent No.2 lodged false case against the Appellant. In the 161 statement Opposite Party No.2 has stated that she had love relationship, therefore it is evident that the relationship has been developed on consent of both parties. Appellant is a permanent resident of the area, hence there is no chance to evade the process of trial of the case in the event of release on bail.

5. Learned counsel for the State on the other hand opposes the bail application of the Appellant on the ground that serious offences have been made against the Appellant. Accordingly, he urges for rejection of the bail application of the Appellant.

6. Considering the aforesaid facts and circumstances of the case and further considering the custodial detention of the Appellant, this Court sets aside the order dated 28.03.2022, passed by the learned Addl. Sessions Judge-cum-Special Judge, Rairakhol in S.T. Case No.58 of 2021, arising out of Charnal P.S. Case No.176 of 2021. 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 two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall not tamper with the prosecution evidence;

(iii) He shall not influence or threaten or terrorize any prosecution witness and cooperate in the investigation;

(iv) He shall not threat the Informant or try to reach out the Informant in any manner whatsoever;

(v) He shall not leave the jurisdiction of the court unless special permission is granted by the court;

(vi) Violation of any of the above conditions, it will be open to the trial court to issue NBW against the Appellant, which would ultimately cancellation of the bail of the Appellant; and further

(vii) The court in seisin of the matter may impose any additional condition(s), if situation so warrants.

(viii) He shall appear before the concerned police station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.

7. With the above direction, the CRLA is accordingly allowed.
8. Issue urgent certified copy of this order in course of the day.

(A.K. Mohapatra)
Judge