

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.282 of 2022

Rabi Bhusan Prasad

....

Appellant

Mr.Bijaya Kumar Ragada, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr.K.K. Nayak, ASC for State-Resp. No.1

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.05.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State-Respondent No.1 and learned counsel for the Informant-Respondent No.2. 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 06.04.2022, passed by the learned Special Judge, Jharsuguda, in C.T. (Spl.) Case No.13 of 2022, arising out of Jharsuguda P.S. Case No.167 of 2022, for commission of offences under Sections 376(2)(n)/506 of I.P.C. read with Section 3(1)(r)/3(1)(s)/3(2)(v) of S.C. & S.T. (POA) Act and Section 66E/67A of Information Technology 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. 22.03.2022. It is further submitted that a false case has been foisted against him and that the statement of the witnesses recorded under Section 161 Cr.P.C. are inconsistent, improbable and discrepant to each other. It is also alleged that the occurrence having been taken place on 15.01.2020 and the FIR was lodged on 21.03.2022. Further the medical report does not support the allegation of rape to the victim girl. In the meantime, police after completion of investigation has submitted charge-sheet against the Appellant and there is no chance to evade the trial of the case or tamper the prosecution evidence. Accordingly, he urges for release of the Appellant on bail.

5. Learned counsel for the Informant opposes the bail application of the Appellant on the ground that serious allegations have been made against the Appellant, who is giving physical and mental torture to the Informant.

6. Learned counsel for the State opposes the move of the Appellant and objects the bail application of the Appellant on the ground that in the event he is released on bail, there is every possibility that he will tamper the prosecution evidence and terrorize and threaten the victim girl and his family members. Therefore, he prays for rejection of the bail application of the Appellant.

7. 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 06.04.2022, passed by the learned Special Judge, Jharsuguda, in C.T. (Spl.) Case No.13 of 2022, arising out of Jharsuguda P.S. Case

No.167 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 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 the Informant or her family members or any of the prosecution witness in any manner whatsoever, in such event, it is open for the trial court to revoke the order granting bail to the Appellant and issue NBW and take the Appellant to judicial custody forthwith.

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

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

(A.K. Mohapatra)
Judge