

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.3454 of 2022**

***Simarani Mahakud***

.... ***Petitioner***  
***Mr.Sidhartha Das, Advocate***

***-versus-***

***State of Odisha***

.... ***Opposite Party***  
***Mr. K.K.Nayak, A.S.C.***

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**16.05.2022**

**Order No.**

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Patkura P.S. Case No.142 of 2021 corresponding to G.R.Case No.116 of 2021 pending in the Court of the learned Additional District & Sessions Judge-cum-Special Judge, Kendrapara for commission of an alleged offence under Sections 363,376(2)(n,354B,307,109/34 of the of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 24.03.2022 and the Investigating Agency after completion of investigation submitted charge sheet in this case. Relying upon the statement of the victim recorded under section 164 Cr.P.C. and the 161 Cr.P.C. recorded by the

Police, learned counsel for the Petitioner submits that the victim has admitted that she has married the Petitioner and stayed together and thereafter due to some difference of opinion and rivalry between the members of the two family, the present case has been foisted against the Petitioner. It is submitted by the learned counsel for the Petitioner that since the Petitioner is the inhabitant of Kendrapara district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the allegation made against the Petitioner is serious in nature. However, on a query being asked by the Court, learned State counsel clarifies that there is no criminal antecedents against the Petitioner.

7. Considering the aforesaid submissions and keeping in view the seriousness and gravity of the offence and the period of custodial detention of the Petitioner as well as the fact that the victim girl in her own admission state that she has married to the Petitioner, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) 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.
- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.

- iii) shall not indulge in any offence of similar nature
  - iv) shall not tamper with the prosecution evidence while on bail.
  - v) shall not influence or threaten any prosecution evidence while on bail.
  - vi) shall not try to contact the victim or her family members and shall not give threaten or terrorise. In the event the Petitioner commits such act while on bail, it is open for the informant to approach the Police, who in turn take appropriate action against the Petitioner.
  - vii) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

( **A.K. Mohapatra** )  
**Judge**