

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

**CRLA No. 299 of 2022**

***Nihar Sahani***

***.... Appellant***

Mr.J. Panda, Advocate

*-versus-*

***State of Odisha and  
another***

***.... Respondents***

*Mr. Debasis Biswal,  
Addl. Standing Counsel*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
16.08.2022**

**Order No.**

01. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Learned counsel for the State submitted that notice on the respondent no.2 is sufficient.

None appears on behalf of the respondent no.2.

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with C.T. Case No.302/70 of 2021(Special Act) arising out of Kesinga P.S. Case No.319 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Bhawanipatna for offences punishable under sections 498-A, 324,307,376(2)(n),493,115/120-B of the Indian Penal Code read

with section 3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Sessions Judge -cum- Special Judge, Bhawanipatna, which was rejected on 19.04.2022.

Learned counsel for the appellant submits that the appellant is in judicial custody since 01.09.2021 and he has been charge sheeted under sections 498-A, 324,307,376(2)(n),493,115/120-B of the Indian Penal Code read with section 3(2)(v) of the S.C. & S.T. (PoA) Act. It is further submitted that the 164 Cr.P.C of the victim would indicate that there was love affairs between the appellant and the victim and he kept physical relationship with her and there was marriage between them in a temple and they were staying together. It is further submitted that so far as the offence under section 307 of the Indian Penal Code is concerned, the injuries are simple in nature and the co-accused persons have already released on bail and in view period of detention, the bail application of the appellant may be favourably considered.

Learned counsel for the State, on the other hand, has produced the case diary, placed the 164 Cr.P.C. statement of the victim and the injury report of the victim which shows that she has sustained two injuries, which are opined to be simple in nature.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, 164 Cr.P.C statement of the victim as well as the injury sustained by the victim and the period of detention of the appellant in judicial custody, I am inclined to release the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The CRLA is accordingly disposed of.

Issue urgent certified copy of this order on proper application.

**( S.K. Sahoo )**  
**Judge**

PKSahoo

