

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2913 of 2021

Fakira @ Jagyeswar Pradhan

....

Petitioner

Mr. J.K. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.09.2022

Order No.

09.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code.
5. The Petitioner is an accused in G.R. Case No.75 of 2021 arising out of Rairakhol P.S. No.33 of 2021 pending in the court of learned S.D.J.M., Rairakhol for commission of offence punishable under Sections 376(2)(n), I.P.C.
6. The brief factual backdrop of the case is that the victim reported the matter in writing before the P.S. alleging that on 20.12.2020 and 24.12.2020, the present petitioner kept physical relationship with the victim against her will by giving assurance of

marriage. Some days thereafter when the victim suffered from illness, she conducted her health checkup and could know about her pregnancy for which the present F.I.R. has been lodged.

7. It is submitted by learned counsel for the petitioner that the petitioner and the victim have got married to each other in the meantime and their marriage has been registered under the Special Marriage Act dated 24.08.2022. A joint affidavit filed by the petitioner and the informant in this regard. A copy of the joint affidavit filed by learned counsel for the petitioner in Court today. The same is accepted and be kept on record.

8. On instruction, learned counsel for the State submits that in fact the parties have married in the meantime and they are living together happily as husband and wife.

9. Having heard learned counsels for the parties and considering the surrounding facts and circumstances and further taking into account the fact that the petitioner is in custody since 20.02.2021 although he was released on interim bail and at the movement, he is on interim bail till date, it is directed that the petitioner shall surrender before the learned court below after completion of the interim bail period. Further, considering the materials on record and the nature of allegation, joint affidavit and the period of custodial detention of the Petitioner and the fact that no objection is raised from the side of victim, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter.

10. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

11. The Bail Application is accordingly disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

