

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.318 of 2022

Amarjyoti Rout

Appellant
....
Ms. Pratyusha Naidu, Advocate

-versus-

State of Odisha and another

Respondents
....
Mr.M.K. Mohanty, ASC for State-Res.1
Mr.Susampada Hota and Mr. Satya Mohanty,
Advocate for Informant-Res.2

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
05.07.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State as well as learned counsel for the Informant. Perused the materials available on record, FIR and statement of witnesses.
3. This appeal has been filed by the Appellant challenging the order dated 26.04.2022, passed by the learned Sessions Judge, Kendrapara in T.R. No.142 of 2021, arising out of Pattamundai P.S. Case No.620 of 2021, for commission of alleged offences under Sections 292-A/506/507/509 of IPC r/w. Section 66-E/67 of IT Act, rejecting the bail application filed by the Appellant.
4. The prosecution case as per the F.I.R. is that on 22.10.2021, the Informant lodged an FIR alleging that since more than one year, the Appellant had been her friend on Facebook. It is alleged that during this time, he had taken some pictures of the Informant and he

is suggesting establishing of physical relationship with her. It is alleged that when the Informant refused the Appellant, he opened a Fake ID and posted the obscene photographs of the Informant, which went viral. It is further alleged that the Appellant threatened the Informant in filthy language and said that if she refuses to have sexual relation with him he would make the life of the Informant difficult by posting the obscene photographs of the Informant on social media. It is further alleged that the Informant is Harijan by caste and her self respect took a hit and she was scared when the Appellant commented on her caste and abused her in filthy language. It is alleged that the Appellant abused her using her caste in filthy language and threatened that unless she agrees to have physical relationship with him he would daily upload her pictures on social media. It is alleged that the Appellant threatened that he would continue to text her and upload her pictures until she is forced to die and that he would visit her sister and brother-in-law at Hatapur and would make her sister a widow, further warned her that his sister is married to Anirudh Jena of Hatapur. It is alleged that the Appellant is at present working at Bangalore and calling her via mobile. It is further alleged that due to the uploading of the pictures the studies of the informant have been disturbed and her father is a disabled person who after facing many struggles educated her and that due to the activity of the Appellant the family members of the informant are facing difficulty and the Informant has been suffering from mental harassment.

5. Learned counsel for the Appellant submits that Appellant is in jail custody since 03.04.2022. It is further submitted that police after completion of investigation has submitted charge-sheet in the matter. It is further submitted that Appellant lives in Bangalore

whereas the victim lives somewhere in Pattamundai. Both the informant as well as the victim girl became friends through Facebook thereafter their relationship developed. It is further submitted by learned counsel for the Appellant that the photographs which has been seized by the polices were all forwarded by the victim to the Appellant. He further submits that only to harass and humiliate, false case has been foisted against him and the photographs which has been seized by the police are not obscene photographs. It is submitted that Petitioner has no criminal antecedents and in the event of release, he will cooperate the trial of the case.

6. Both learned counsel for the State as well as learned counsel appearing for the Informant opposed the bail application of the Appellant. It is submitted that the Informant that Appellant had threaded the victim girl to upload the obscene photographs on social media unless she keeps physical relationship with the Appellant. Therefore, the victim girl apprehends that Appellant will torture her in the event he gets bail by this Court.

7. On perusal of Case Diary as well as the photographs seized by the police and upon examination of materials on record, it appears that both the Appellant and Victim girl were known to each other through Facebook. When the relationship was disturbed, FIR was lodged against the Appellant.

8. Having heard learned counsel for the parties and further taking into consideration the surrounding circumstances and the period of detention of the Appellant and the severity of punishment, this Court sets aside the order dated 26.04.2022, passed by the learned Sessions Judge, Kendrapara in T.R. No.142 of 2021, arising

out of Pattamundai P.S. Case No.620 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 one solvent surety 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 evidence and cooperate in the investigation;
 - (iv) He shall not threat the Informant or try to reach out the Informant in any manner whatsoever;
 - (vi) Violation of any of the above conditions, shall entail cancellation of the bail of the Appellant and the NBW (A) shall be issued against the Appellant;
 - (vii) The court in seisin of the matter may impose any additional condition(s), if situation so warrants.
9. With the above direction, the CRLA is accordingly allowed.
10. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge