

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.229 of 2021

Jilu Gouda

.... ***Appellant***
Mr.B.N.Mohapatra, *Advocate*

-versus-

State of Odisha & another

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.02.2022

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the appellant and the learned counsel appearing for the State.
 3. Perused the Case Diary, statements of the witnesses and medical examination report of the victim.
 4. This appeal has been filed challenging the order dated 23.04.2021 passed by the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar in Spl. G.R.Case No.15 of 2021, which arises out of Sorada P.S.Case No.105 of 2021 for alleged commission of offences under Sections 376(2)(n), 313 of the Indian Penal Code read with section 3(2)(va) of S.C. & S.T. (PA) Act, 1989 (Amendment 2015).
 6. Learned counsel for the appellant submits that the appellant is an innocent person having falsely implicated by the victim in this case. He further submits that the appellant is in custody since 12.04.2021. He also submits that the investigation has been

completed and charge sheet filed. It is further submitted by the appellant that the statement of the victim girl recorded under section 164 Cr.P.C. does not tally with the medical evidence. In her statement under Section 164 Cr.P.C. as well as in the F.I.R. the victim girl herself has admitted that she has love affairs with the appellant since long. But whatever the reason, the marriage could not be materialized between them for which the victim lady has foisted this case against the appellant. It is further submitted that the allegation of the victim that she was pregnant is not supported by her medical examination report. Since the appellant belongs to the locality, there is no chance of his absconding. He further prays that the appellant may be released on bail on such terms and conditions as would be deemed fit and proper.

7. Learned counsel appearing for the State on the other hand opposes the prayer for bail. Learned counsel for the State also submits that such type of offences are rising in the society and in the present case the husband (appellant) promised the victim to marry her but the appellant did not keep his promise. Therefore, the intention of the appellant is questionable in this case. On such ground learned counsel for the State prays for rejection of the bail application of the appellant.

8. Having heard learned counsel for the parties and keeping in view the period of detention in custody as well as the medical examination report and the admission of the victim that she had love affairs with the appellant for a long time, I am inclined to grant bail to the appellant and it is directed that let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. It is open to the Court in seisin of the matter to impose any other

condition(s) as would be deemed fit and proper in the facts and circumstances of the case to ensure attendance of the appellant during trial in the Court.

9. The order dated 23.04.2021 passed by the learned Additional Sessions Judge-cum-Special Judge, Bhanjanagar in Spl. G.R.Case No.15 of 2021 is set aside.

11. With the aforesaid observation the CRLA is disposed of.

12. Issue urgent certified copy of this order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge

