

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

**CRLA No.426 of 2022**

***Babu @ Soumya Ranjan Malick* .... *Appellant***

*Mr.K.Mohanty, Advocate*

*-versus-*

***State of Odisha & another* .... *Respondents***

*Mr.Arupananda Das*

*Addl. Government Advocate*

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

**ORDER  
08.08.2022**

**Order No.**

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

Learned counsel for the State submits that notice on the informant has been made sufficient.

None appears for the informant.

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

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with Special G.R. Case No.24 of 2022 arising out of Brahmanitarang P.S. Case No.86 of 2022 pending in the Court of learned 1<sup>st</sup> Addl. Sessions Judge -cum- Special Judge, Rourkela for offences punishable under sections 376(2)(n) and 417/34 of the Indian Penal Code read with sections

3(1)(r)(s)/ 3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned 1<sup>st</sup> Addl. Sessions Judge -cum- Special Judge, Rourkela, which was rejected on 16.05.2022.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 20.04.2022 and he has been charge sheeted under sections 376(2)(n), 417/34 of the Indian Penal Code read with sections 3(1)(r)(s)/ 3(2)(v) of the S.C. & S.T. (PoA) Act. Learned counsel files the copy of the charge sheet, which is taken on record. It is further submitted that the materials available on record would indicate that the victim was aged about forty two years and much senior to the appellant and there was love affairs between the appellant and the victim since 2015 and assurance of marriage was given by the appellant to the victim and since the marriage could not be solemnized, the present F.I.R. has been lodged. Learned counsel further submitted that the appellant is having no criminal antecedents and therefore, the bail application may be favourably considered.

Learned counsel for the State, on the other hand, has produced the case diary and placed the 164 Cr.P.C. statement of the victim, from which it appears that since 2015 till 2022, there was love affairs and physical relationship between the appellant and the victim and the victim has stated that the marriage of the appellant

was fixed at another place for which she complained before the family members of the bride side for which the marriage could not be solemnized.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner, the age of the victim and her 164 Cr.P.C. statement of 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 try to keep any contact with the victim in any manner whatsoever, 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**

