

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.6719 of 2021

Rajat Kumar Rout @ Hapi Rout Petitioners
and Ors.

Mr. Arijeet Mishra, Adv.

-versus-

State of Orissa

.... Opposite Party

Mr. G.R. Mohapatra, ASC

Mr. Gopinath Mishra, Adv.

(for informant)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
05.09.2022

07. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State. सम्पदित नयने
3. The Petitioners apprehending their arrest in Banki P.S. Case No.105 of 2021 of 2021 corresponding to G.R. Case No.132 of 2021, pending in the court of learned S.D.J.M., Banki for the alleged commission of offences punishable under Sections 363/ 294/ 506/ 34 of the I.P.C. have filed this petition under Section 438 of the Cr.P.C. for release on pre-arrest bail.
4. Perused the allegation made in the F.I.R.

5. The brief facts of the case is that the Petitioner No.1/Rajat Kumar Rout @ Hapi Rout is the friend of the main accused Chandan Rout and the Petitioner Nos.2 and 3 are the brother and father respectively of the main accused. The informant instituted the present case against the present Petitioners alleging that his daughter and the son of the Petitioner No.3 had love relationship. On 13.04.2021 his daughter fled with the son of the Petitioner No.3. When he came to know about the said fact, he went to the house of the Petitioners and asked about his daughter, the Petitioners abused him in filthy languages and threatened him with dire consequences.

6. Learned counsel for the petitioners submits that the son of the Petitioner No.3 namely Chandan Rout and the prosecutrix had love relationship for quite some time and ultimately got married on 31.05.2022. Marriage certificate issued by the Marriage Officer, Cuttack has been shown to the Court.

7. Learned counsel for the State submits that the prosecutrix in her statement recorded under Section 164 of the Cr.P.C. stated that she and the son of the Petitioner No.3 got married and they are staying happily for the last one year. The informant has opposed the marriage between the prosecutrix and the son of the Petitioner

No.3 and lodged the F.I.R. Hence, the criminal case has been set in motion against the present Petitioners.

8. Considering the factum of marriage between the prosecutrix and the son of the Petitioner No.3 and there is no allegation of any kind of sexual assault or any kind of turture by the prosecutrix against the present Petitioners, and also it is not disputed that the Petitioners release on anticipatory bail shall not be a hindrance to a free and fair investigation, this Court is of the view that the Petitioners have made out a case for their release on anticipatory bail, more particularly when they are ready and willing to co-operate with the investigation. There is no chance of absconding and/ or tampering with the prosecution evidence or influence or coerce any witnesses, if released on anticipatory bail.

9. Hence, this Court directs that in the event of arrest of the Petitioners in connection with the aforesaid case, they be released on pre-arrest bail by the Officer effecting arrest on some stringent terms and conditions as deemed just and proper.

10. However, the aforesaid order is subject to the condition that the Petitioners shall co-operate with the investigation and no other graver offence is reported against them besides the aforesaid offences.

11. The ABLAPL is, accordingly, disposed of.

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

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

