

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4605 of 2021

*Subha Subhankar Dalai @
Shubhankar Dalai*

.....

Petitioner

Mr. S.R. Mohapatra, Advocate

Vs.

State of Odisha

.....

Opposite party

Mr. S.S. Pradhan, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

05.09.2022

Order

No.
06.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.R. Mohapatra, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Government Advocate for the State.
3. This is the second journey of the petitioner to this Court under Section 439 Cr.P.C. for releasing the petitioner on bail, who is facing trial for the offences under Sections 306, 506, 417, 507, 509, 34 of the IPC read with Section 67/67(A) of I.T. Act and Section 8 of POSCO Act. The prayer for bail of the petitioner had been rejected while prayer of the co-accused had been allowed, vide order dated 12.02.2021 in BLAPL No. 7703 of 2022.
4. The allegations in brief against the petitioner are that he had lured the minor victim girl into sending some of her nude photographs to him and taking advantage of her trust, he threatened to upload those photographs in the internet when she did not agree to his illegal demands. He sent some of the

photographs to her father's mobile. As a result of his actions, mother of the victim committed suicide.

5. Mr. S.R. Mohapatra, learned counsel for the petitioner submits that the petitioner was aged about 20 years at the time of occurrence is in custody since 25.08.2020 which is more than two years. He has no criminal antecedents and charge is yet to be framed in this case. He further submits that the maximum punishment for the offences for which the petitioner is facing trial is R.I. for 10 years and fine for the offence Section 306 of I.P.C.

6. Mr. Pradhan, learned Addl. Government Advocate opposes the prayer for bail stating that on account of the reprehensible activities of the petitioner, the mother of the victim girl committed suicide for which he should not be shown any indulgence.

7. Considering the above submissions, the nature of accusations against the petitioner and the period spent by him in judicial custody, I am inclined to allow the prayer for bail.

8. Let the petitioner-Subha Subhankar Dalai @ Shubhankar Dalai be released on bail on such terms and conditions as may be fixed by the learned Court below in seisin over the matter, including the following conditions:-

- (i) He will not indulge in any criminal activity while on bail.
- (ii) He will not threaten or try to contact the victim, her friends or her family members or influence prosecution witnesses while on bail.
- (iii) He will report before Singala Police Station once a

fortnight on every alternative Sunday between 5.00 P.M. to 7.00 P.M. till the end of the trial.

(iv) He will appear before the trial court on each date it is posted for trial.

Violation of any condition will entail in cancellation of bail.

9. The BLAPL is accordingly disposed of.

10. Copy of this order be sent to the IIC Singala Police Station, District Balasore and the IIC Jajpur Police Station, District-Jajpur, to ensure compliance.

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

.....
(SAVITRI RATHO)
JUDGE

puspa

