

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5788 of 2022

Rajesh Nayak

....

Petitioner

*Mr. L. Achari,
Advocate*

-Versus -

State of Odisha

Opposite Party

....

*Mr. S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
24.09.2022**

**Order No.
3.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 24.04.2022 in connection with Sorada P.S. Case No. 121 of 2022 corresponding to G.R. Case No.230 of 2022 pending in the court of learned J.M.F.C., Sorada for the alleged commission of the offence under Sections 376(2)(n)/294/506/34 of IPC.
4. The victim is a married lady. It is claimed that her husband deserted her whereupon she developed a relationship with the present petitioner. On perusal of the statement of the victim recorded under Section 164 of Cr.P.C., prima facie, a case under

Section 376 IPC is not made out.

5. Considering the above, I am inclined to allow the prayer for bail. However, in response to notice issued by this Court, the victim has submitted an affidavit stating that the petitioner has been threatening her and her family members to cause further harm to her, if he is released. Therefore, the bail granted by this Court shall be subject to certain stringent conditions.

6. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the following conditions:-

- (i) He shall not approach, threaten, coerce or pressurize the victim in any manner whatsoever.
- (ii) He shall not make any sort of contact either, physically or telephonically with the victim or her family members.
- (iii) He shall appear before the IIC of Sorada P.S. on every Sunday at 10.00 A.M. till conclusion of trial and such fact shall be certified by the I.I.C. to the concerned Court once in a month.
- (iv) He shall personally appear before the trial court on each date of posting of the case and in case of even a single default, NBW shall be issued by the court below to take him to custody again.

7. The BLAPL is disposed of.

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

(Sashikanta Mishra)
Judge