

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.582 of 2019

Madhu Baral @ Madhu Sudan Baral ***Appellant***
Mr. U.C. Mishra, Advocate

-versus-

State of Orissa and another ***Respondents***
Mr.K.K. Nayak, ASC for State-Resp. No.1
Mr. Jitendra Kumar Naik-Resp. No.2

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
29.04.2022

Order No.

16. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State-Respondent No.1 and learned counsel appearing for Respondent No.2. Perused the Case Records.
3. This appeal has been filed by the Appellant challenging the order dated 11.04.2019, passed by the learned Special Judge, Puri in T.R. Case No.84 of 2016, arising out of Spl. G.R. Case No.48 of 2016, arising out of Balanga P.S. Case No.63 of 2016, for commission of alleged offences under Sections 363/376(2)(n)/313 of I.P.C. and Section 6 of POCSO Act, rejecting the bail application filed by the Appellant.
4. The allegation as depicted in the FIR is that the Appellant was in love with his daughter and kept physical relationship with

her. When his daughter conceived for three months without informing the Informant, Petitioner took her to Bhubaneswar and terminated her pregnancy by abortion.

5. Learned counsel for the Appellant submits that he is in jail custody since the date of his arrest, i.e. 07.06.2016. It is further submitted that the victim girl has married in the meantime and the matter has been amicably settled between the Petitioner and Informant. It is stated that the victim girl was aged about 16 years at the time of the incident and now she is a major girl. Further an affidavit has been filed by the Informant, who happens to be the father of the victim girl stating therein that the matter has been amicably settled between the parties.

6. Learned counsel for the State opposes the bail of the Appellant on the ground that the allegation is very serious in nature and no leniency should be shown to the Appellant for grant of bail. It is also submitted that in case of release of the Appellant, stringent conditions may be imposed.

7. Learned counsel for the Informant on the other hand submits that the matter has been amicably settled between the parties and the daughter of the Informant has married in the meantime and leading a happy married life. Therefore, he has no objection to release the present Appellant on bail.

8. Considering the aforesaid facts and circumstances of the case and keeping in view the compromise entered into between the parties and further the period of detention of the Appellant, this Court sets aside the order dated 11.04.2019, passed by the learned Special Judge, Puri in T.R. Case No.84 of 2016, arising out of Spl.

G.R. Case No.48 of 2016, arising out of Balanga P.S. Case No.63 of 2016. It is further directed that let the Appellant be released on bail subject to furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the terms and conditions as deem fit and proper by the learned trial court including one condition that the Appellant is restrained to humiliate the victim girl in any manner whatsoever and in the event Appellant violates the condition, the present criminal appeal shall stand automatically cancelled.

9. With the above direction, the CRLA is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge