

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.367 of 2021

Arabinda Parida

....

Appellant

Mr. Deepak Kumar Sahoo, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr.P.C.Das, ASC for State-Res. No.1

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

05.04.2022

Order No.

04.

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 the victim girl in person through video conferencing mode. Perused the Case Diary, F.I.R. and statement of the witness.
3. This appeal has been filed by the Appellant challenging the order dated 21.07.2021 passed by the learned Special Judge-cum-First Addl. Sessions Judge, Rourkela in Special G.R. Case No.13 of 2021, arising out of Tangarpali P.S. Case No.54 of 2021, for commission of alleged offences under Sections 417/376(2)(n)/506 of I.P.C. r/w. Section 67 and 67-A of the I.T. Act and Sections 3(i)(r)(s)/3(2)(va) of S.C. and S.T. (Prevention of Atrocities) Act, 1989, rejecting the bail application filed by the Appellant.

4. The case of the prosecution, in brief, is that the Informant and the victim were reading in +3 final year. The Appellant followed her and somehow got the telephone number of the Informant and started making friendship with her, which develops day by day and proposal for marriage was also accepted by the guardians. Thereafter, they started physical relationship and later on it is alleged that the appellant denied or marriage and send the nude photographs of the victim in social media to blackmail her. Accordingly, the victim girl lodged the FIR in the Tangarpali P.S., which was registered as Tangarpali P.S. case No.54 of 2021 against the accused Appellant.

5. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 02.06.2021. It is further submitted that police after completion of investigation submitted charge-sheet against the Appellant. Learned counsel for the Appellant submits that initially the marriage was fixed between the Appellant and the victim with the consent of both the families. But it could not be materialized due to some dispute between the parties. It is further submitted that the Appellant undertakes to abide by the terms and conditions as fixed by this Hon'ble Court in the event of bail.

6. Learned counsel for the Informant appears through Video Conferencing mode and vehemently objects to the prayer of the Appellant on bail. It is submitted that accused is threatening his parents of dire consequence. She further submits that she does not want to keep any relationship with the accused. She further prays for cancellation of bail of the Appellant.

7. Learned counsel for the State also 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 he should not be enlarged on bail at this stage, which will affect the trial of the case.

8. Considering the aforesaid facts and circumstances of the case, further considering the period of detention of accused Appellant, this Court sets aside the order dated 21.07.2021 passed by the learned Special Judge-cum-First Addl. Sessions Judge, Rourkela in Special G.R. Case No.13 of 2021, arising out of Tangarpali P.S. Case No.54 of 2021. 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 one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- (i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall appear before the I.O. on every fortnight preferably on Sunday at 10.00 A.M. to 1.00 P.M.;
- (iii) He shall not leave the jurisdiction of the concerned court without special permission;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten or terrorize any prosecution evidence and the informant or her family members in any manner whatsoever and cooperate in the investigation;
- (vi) He shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile number, the same shall also be intimated to the local police;

(vii) Violation of any of the above conditions shall entail cancellation of the bail; and

(viii) The trial court may impose any other condition(s), as deem fit and proper.

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

U.K.Sahoo

