

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6273 of 2021

Pramod Kumar Jani

.... ***Petitioner***
Mr.Amitav Tripathy, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.05.2022

Order No.

04

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Nuagaon P.S.Case No.18 of 2021 corresponding to G.R. Case No.57 of 2021 pending in the Court of the learned S.D.J.M., Nayagarh for alleged commission of offence under Sections 376(2)(f), 376(2)(n), 506 of the Indian Penal Code.
4. The prosecution case as revealed from the F.I.R. in short is that the present Petitioner about seven months before had kept physical relationship with the victim and threatened her not to disclose about such fact to anybody. On such information Nuagaon P.S.Case No.18 of 2021 was registered.
5. Learned counsel for the Petitioner files the surrender

Certificate in Court today and the same is taken on record. On perusal of the surrender certificate, it reveals that the Petitioner has surrendered and he has been forwarded to judicial custody.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 31.01.2021 and in the meantime investigation of the case has been completed and trial has already commenced. He further submits that the victim has already been examined by the trial court in this case. Learned counsel for the Petitioner emphatically submits that the case is a consensus one. Both the victim and the Petitioner are related to each other. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a local inhabitant, there is no chance of his absconding. Further since the victim has already been examined in this case there will be adverse impact on the trial. In the event the Petitioner is released on bail, by this Court. It is also submitted by the learned counsel for the Petitioner that in the event this Court releases the Petitioner on bail, he shall cooperate for early conclusion of the trial and undertakes to appear before the trial court on each date of posting of the case.

7. Learned Additional Standing Counsel on the other hand vehemently opposes the prayer for bail of the Petitioner on the ground that the allegations made against the petitioner are serious in nature. He further submit that in the event the Petitioner is released on bail at this stage trial of the case will hamper as the other witnesses are yet to be examined in view of the fact that the victim has already been examined in this case and she is the prime witness in the present case.

8. Considering the aforesaid submissions and taking into consideration the surrounding facts and circumstances of the case and

the custodial detention of the Petitioner, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
 - ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
 - iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) Violation of any of the terms and conditions shall entail cancellation of bail.
9. The trial court may impose any other condition(s) as deem fit and proper.
10. BLAPL is accordingly disposed of.
11. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge