

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2072 of 2022

Sovit Ahir

.... **Petitioner**

Mr. S.K.Joshi, Advocate

-Versus-

State of Odisha

.... **Opposite Party**

Mr. P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.08.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner seeking a direction for his surrender and release on bail in connection with S.A. No. 12 of 2015 pending in the file of learned Sessions Judge-cum-Special Judge, Nuapada on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was on bail on 25th September, 2014 by the orders of the learned SDJM, Nuapada and thereafter, the charge sheet was filed with a higher offences under Sections 498-A/294/34/376 IPC read with Section 4 D.P.Act and Section 6 of POCSO Act, 2012 and in the meantime, the court below has issued summons for his appearance. It

is further submitted that on such appearance, the learned court below may be directed to release the petitioner on bail keeping in view the decision of the Apex Court in **Sitaram Satlingappa Mhetre Vrs. State of Maharashtra**.

5. It is made to appear, initially the case was registered under Section 498-A and other offences and the petitioner was released on bail by the learned SDJM, Nuapada but thereafter, a higher offence has been added, such as, Section 376 and including an offence under the POCSO Act. As submitted by the learned counsel appearing for him, due to filling of charge sheet with higher offences, the petitioner apprehends remand despite the fact that he was on bail.

6. It is further submitted that in the meanwhile, there has been a settlement between the parties and the petitioner and the victim have married and blessed with two children and considering the same, the criminal proceeding is under challenge in CRLMC No. 1401 of 2015 which is pending disposal awaiting the appearance of the victim therein and under such circumstances, the petitioner who is appear before the court below should be allowed to go on bail with conditions.

7. Having regard to the submissions of the learned counsel for the parties, the Court is of the view that since the petitioner and the victim claimed to have been married as is submitted to the Court by the learned counsel appearing from the petitioner, he should be directed to release on bail on his appearance before the court below in response to the summons.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands disposed of with a direction to the petitioner to appear before the court of learned Additional Sessions Judge-cum-Special Judge, Nuapada in S.A. No. 12 of 2015 and on his appearance, he shall be released on bail subject to conditions.

(R.K. Pattanaik)
Judge

Kabita

