

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7465 of 2022

Manas Naik

....

Petitioner

Mr. A.K. Nath, Advocate

-Versus -

State of Odisha

Opposite Party

....

*Mr. R. Tripathy,
Additional Standing Counsel
Mr. T.P. Tripathy, Advocate
(for Informant)*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.12.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is in custody in connection with Motanga PS. Case No. 180 of 2021 corresponding to CT (SS) Case No. 92 of 2021 pending in the court of learned Senior Civil Judge (Women's Court)-cum-ASJ, Dhenkanal for the alleged commission of offence under Sections 306/34 of IPC read with Sections 66(E)/67 of Information Technology Act.
4. This is the second journey of the petitioner to this Court seeking bail after rejection of his earlier application by this Court as per order passed in BLAPL No.11211 of 2022. It is submitted that in the meantime, the other co-accused persons have been released on bail. He further submitted that the trial has commenced and the

material witnesses have been examined including the informant as P.W.3. In so far as the informant is concerned, her statement is replete with contradictions which have been brought out in cross examination.

5. From a copy of the deposition of P.W.3 furnished by learned counsel for the petitioner, it is seen that she admitted to have neither mentioned in the FIR nor stated before the police that the accused persons, namely, Agadhu Naik, Manas Naik (petitioner) and Saroj Naik had captured the nude photograph of his daughter and made the same viral and also mentally tortured her because of which she consumed poison and committed suicide. This is a material contradiction which prima facie, has a bearing on the case of prosecution in so far as the petitioner is concerned.

6. Considering the above facts as also the period of detention in custody, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the following conditions:-

(i) He shall personally appear before the trial court on each date of posting of the case personally failing which, the said court shall issue NBW to take him into custody again.

7. The BLAPL is accordingly disposed of.

(Sashikanta Mishra)
Judge

BC Tudu