

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 630 of 2022

Harish Chandra Biswal

...

Appellant

Mr. A.R. Panda, Advocate

-Versus -

State of Odisha & Anr.

....

Respondents

Mr. P.Tripathy, Addl. Standing
Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

01.11.2022

Order No.
03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned Addl. Standing Counsel for the State.
3. Learned State Counsel informs that notice has already been served on the victim/informant. There is however, no appearance from her side. Hence the appeal is taken up for hearing
4. The appellant is in custody in connection with Nilagiri P.S. Case No.127 of 2022 corresponding to Special Case No.31/66 of 2022 pending in the Court of learned Presiding Officer, Special Court (SC/ST), Balasore for the alleged commission of offence under Sections 448/323/354-B/376/506/34 of IPC read with Section 3(2)(v) of SC & ST (POA) Act.
5. It is alleged that the appellant and another person entered into the room of the victim and forcibly committed sexual intercourse on her. In course of hearing it is submitted by learned counsel for the appellant that the allegations are

entirely false and baseless and have been made only to harass the appellant, which would be evident from the fact that both of them had love relationship earlier and had also gone to Madras for sometime. The victim had also lodged an FIR earlier alleging commission of offence under Section 498-A IPC and allied offences against the appellant in which he was granted bail. Therefore, to further harass the appellant, the present case has been foisted against him.

6. Considering the submissions as above and on perusal of materials on record, this Court finds some force in the submission of learned counsel for the appellant. The appeal is allowed. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose.

7. CRLA is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge