

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6708 of 2021

<i>Jibaratna Mohapatra @ Tukuna</i>		<i>Petitioner</i>
		<i>Mr. S. K. Dash, Advocate</i>
	-versus-	
<i>State of Orissa</i>		<i>Opposite Party</i>
		<i>Mr. K.K. Nayak, A.S.C. for State</i>
		<i>Mr. J.K. Panda, Advocate for Informant</i>

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
09.02.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with R. Udayagiri P.S. Case No.51 of 2021, corresponding to G.R. Case No.57 of 2021, pending in the file of learned J.M.F.C., R. Udayagiri, for commission of alleged offences under Sections 363/376(2)(n)/323/34 I.P.C.
3. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant. Perused the case records.
4. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 30.04.2021. He further submits that the Informant is now living with the Petitioner as husband and wife and out of their wedlock, a male child was born. It

is because of some family disturbances, the present case has been foisted against the Petitioner.

5. Learned counsel for the Informant submits that both the victim girl and the present Petitioner are now living peacefully as husband and wife with their child and the dispute between the parties have been amicably settled.

6. Learned counsel for the State has no objection if the present Petitioner is released on bail but he emphasizes that the Petitioner must follow the terms and conditions as fixed by the court in seisin over the matter.

7. Considering the aforesaid aspect, this Court directs that the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not tamper with the evidence, show any threat to the prosecution witnesses and cooperate with the investigation. The court in seisin of the matter may impose any additional condition(s), if situation so warrants.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge