

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7732 of 2022

Prem Kumar Behera

....

Petitioner

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

19.10.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.640 of 2022, pending in the file of learned S.D.J.M., Berhampur, arising out of Baidyanathpur P.S. Case No.98 of 2022, offence under Sections 376(2)(n)/294/323/354-C/328/506 of IPC and is in custody since 31.03.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 3rd Additional Sessions Judge, Berhampur by order dated 07.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 31.03.2022 and charge sheet

having been filed on 28.05.2022, further continuance of the petitioner in custody is not warranted.

6. Learned counsel for the State and informant opposes the prayer for bail.

7. Learned counsel for the informant submits that the manner in which the offence has been committed under threat of giving wrong publicity to the intimate videos and photographs of the victim, the petitioner ought not to be released on bail.

8. Perused the 164 Cr.P.C statement of the victim.

9. Considering the tenor thereof and taking into account filing of charge sheet and the period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

10. To instill a sense of confidence in the minds of the informant and her family, it is directed that the petitioner shall appear before the jurisdictional police station once every week till the conclusion of trial and he shall not try to contact or intimidate the informant/her family in any manner.

11. Violation of any of the condition shall entail cancellation of the bail and it shall open to the informant to approach this Court in the event there is any violation.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge