

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.404 of 2021

Alok @ Subham Sahu

....

Appellant

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

15.03.2022

Order No.

06.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an appeal under Section 14(A) of Schedule Caste and Scheduled Tribe Act.
3. Heard learned counsel for the Appellant and learned Additional Standing for the State. Perused the case record, F.I.R. as well as statement of the witnesses.
4. The present appeal is directed against the order dated 12.08.2021 passed by the learned Special Judge, Nuapada in S.A. No.18 of 2021 arising out of Komna P.S. Case No.130 of 2021 for alleged commission of offence under Sections 417/493/294/506/34, I.P.C. read with Sections 3(1)(s)/3(2)(v) of the S.C. and S.T. (PoA) Act.
5. The prosecution story as narrated in the F.I.R. is that since last one year the present appellant with a promise to marry her kept physical relationship with the informant and subsequently, they married in a

temple. It is also alleged that they were residing in different houses of the locality and now the appellant along with his other relatives did not accept the appellant and scolded her in filthy language by saying her caste. It is further alleged that subsequently, the present appellant left the informant in her village and did not respond her mobile phone for which reason the Opposite Party No.2 lodged the F.I.R.

6. It is submitted by learned counsel for the appellant that the appellant is in custody since 17.05.2021 and in the meantime, investigation has been concluded and charge-sheet has been submitted. Further it is submitted by learned counsel for the appellant that the appellant as well as the victim was love relationship for long time and he further submits that the victim is a major girl and in her statement recorded under Section 164, of the Cr.P.C. stated that she had love relationship with the appellant out of her own volition and that the appellant has been unnecessarily harassed her. He also submits that the appellant is a resident of the locality and as such, there is no chance of absconding from the hands of justice and further in the event the appellant released on bail, he shall cooperate with the trial and appear before the trial court on each and every date in the trial.

7. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the Appellant is serious in nature. He further submits that considering the gravity and seriousness of the allegation, the prayer for bail at the behest of the Appellant may be rejected.

8. Having heard learned counsel for the Appellant as well as learned Additional Standing Counsel for the State-Respondent and considering the nature of accusation, seriousness and the gravity of offence as well as custodial detention of the Appellant, I am inclined to release the Appellant on bail. Accordingly, the impugned order dated

12.08.2021 passed by the Special Judge, Nuapada is hereby set aside.

9. Let the Appellant be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.30,000/-(rupees thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin over the matter with further conditions as may deem just and proper by the learned court in seisin over the matter in the facts and circumstances of the present case.

10. With the aforesaid observation, the Appeal is allowed without any cost.

11. Urgent certified copy of this order be granted on proper application.

Jagabandhu

