

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.6852 of 2021**

***Baina Behera***

.... ***Petitioner***  
*Mr. P.C. Jena, Advocate*

*-versus-*

***State of Odisha***

.... ***Opposite Party***  
*Mr. K.K. Nayak, A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**  
**10.02.2022**

**Order No.**

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.232 of 2018 arising out of Tangi P.S. Case No.18 of 2018 pending in the court of learned NGN-cum-J.M.F.C., Tangi for commission of offence punishable under Sections 498-A/323/376/506/34, I.P.C. read with Section 4 of the D.P. Act.
5. Learned counsel for the Petitioner submits that the Petitioner has been falsely implicated in this case by his own sister-in-law. He further submits that the victim, who is a married lady, has denied for medical examination and he is in custody since 26.07.2021. He further submits that the Petitioner belongs to same locality and there is no chance of absconding. Further, it is submitted that charge-sheet has already been

submitted in the meantime.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

7. Having heard learned counsel for the parties and considering the period of detention of the Petitioner, nature and gravity of allegations made and the surrounding circumstances, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not make any default in attending the court during trial on each date. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions as may deem just and proper.

9. The Bail Application is accordingly disposed of.

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

Jagabandhu

**( A.K. Mohapatra )**  
**Judge**