

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7088 of 2021

Dambru Dora

.... ***Petitioner***
Mr.Devashis Panda, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.04.2022

Order No.

09

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Biswanathpur P.S.Case No.29 of 2021 corresponding to C.T.Case No.355 of 2021 pending in the Court of the learned S.D.J.M., Bhawanipatna for alleged commission of offence under Sections 376,376(1),417,493 of the Indian Penal Code.
4. The prosecution case, as revealed from the F.I.R. is that the Petitioner came to work as a mason at village Musanal and persuaded the victim to work with him and when the victim wanted to know why he is pursuing, the Petitioner informed that he loves her and will marry her. Thereafter on the pretext of marriage, the Petitioner kept physical relationship with her. Subsequently, the Petitioner denied to

marry her.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 04.04.2021 and in the meantime investigation has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that prior to lodging of F.I.R. both the Petitioner and the victim were known to each other and there was consent from the side of the victim. It is also submitted by the learned counsel for the Petitioner that the victim on her sweet will kept physical relationship with the Petitioner. It is further submitted by the learned counsel for the Petitioner that since the investigation of the case has been completed and charge sheet has been submitted, there is no chance of tampering with the evidence and since the Petitioner is permanent inhabitant of Kalahandi district, there is no chance of his absconding or fleeing from the hands of justice. He also undertakes to appear before the trial court on each and every date of posting of the case.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that allegation against the Petitioner is serious in nature and accordingly, his prayer for bail may be rejected by this Court.

7. Having heard learned counsel for the parties, considering the fact and circumstances of the case and the period of custodial detention of the Petitioner and the fact that there was consent from the side of the victim and the victim on her sweet will kept physical relationship with the Petitioner, I am inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject

to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
 - ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
 - iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may impose any other condition(s) as deem fit and proper.
 9. The BLAPL is accordingly disposed of.
 10. Issue urgent certified copy as per Rules.

RKS

(*A.K. Mohapatra*)
Judge