

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.424 of 2021

Gundi @ Kadar Khan

....

Appellant

Mr.Sangram Keshari Rout, Advocate

-versus-

State of Odisha & another

....

Respondents

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

Mr.B.R.Mohanty, Advocate for R-2.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.02.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the appellant as well as the learned Additional Standing Counsel for the State. The informant represented through her counsel also appears and opposes the bail application. The victim girl is also present in the Court represented by Mr. Debasis Mohanty, Advocate.
3. This is an appeal challenging the order of rejection of bail dated 12.08.2021 passed by the learned Special Judge, Balasore in Special Case No.61 of 2001.
4. Learned counsel for the appellant submits that the victim girl has left the parental house on her own volition and living with the appellant as per the custom of the appellant. Therefore, no case as alleged has been made out against the appellant and as such prays for release of the appellant on bail.
5. The victim, who appears in court represented through by her advocate on being asked by this Court, states that she is a major girl above the age of 18 years and the Birth Certificate, issued by the

competent authority produced in the Court today, which reveals her date of birth is 02.03.2002. Therefore, on the date of alleged occurrence F.I.R. was lodged, she was above 18 years. He further states that she is also living in the house of the appellant and there is no grievance against the appellant.

6. Learned counsel appearing for the State submits that on the basis of the allegations made, the case has been instituted against the present appellant and such type of offence are regular phenomenon in the society. Therefore, no leniency should be shown to the appellant while considering the appeal. It is further submitted by the learned counsel for the appellant that the appellant is in custody since 06.03.2021 and the investigation has been completed and charge sheet has already been filed.

7. Considering the aforesaid aspect of the matter and the fact that the victim girl has attained her majority, which is evident from the birth certificate, issued by the competent authority, which was produced today in court, this Court is inclined to release the appellant on bail in the aforesaid case subject to furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter. It is open for the Court in seisin over the matter to fix such other terms and conditions as would be deemed fit and proper in the facts and circumstances of the present case.

8. With the aforesaid observation the criminal appeal is disposed of.

9. Issue urgent certified copy of this order as per Rule.

