

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7110 of 2021

Nikun Kata

....

Petitioner

Mr. Umakanta Barik, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. M.K. Mohanty, A.S.C. for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

14.02.2022

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. and other relevant documents on record.
3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Golamunda P.S. Case No.61 of 2021, corresponding to C.T. Case No.193 of 2021, pending in the file of learned S.D.J.M., Dharamgarh, for commission of alleged offences under Sections 457/376/294/323/324/506 I.P.C.
4. Learned counsel for the Petitioner submits that the relationships between the Petitioner and the victim girl are brother-in-law and sister-in-law. It is further submitted that there was a dispute between the Petitioner and his sister-in-law with regard to paternal property. The further submission is that Petitioner is in jail custody since the date of his arrest, i.e. 28.05.2021.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner on the ground of statements of the victim girl recorded under Sections 161 and 164 Cr.P.C. He, however, submits that if the Petitioner is released on bail, stringent conditions may be imposed on the accused Petitioner.

6. On perusal of the statement of the witnesses, it is evident that the dispute between the parties with regard to the paternal property is true. But the medical report does not speak about any recent sexual intercourse with the victim girl.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that the Petitioner shall not tamper with the prosecution evidence or show any threat or influence the witnesses in any manner whatsoever, particularly, the victim girl or make any effort to contact with her and cooperate in the trial of the case. It is further directed that the court in seisin of the matter impose any additional condition(s), if situation so warrants. Deviation of any of the above conditions shall entail cancellation of the bail.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge