

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7115 of 2021

Siba Sankar Nayak

.... ***Petitioner***
Mr. G.K. Nayak, Advocate

-versus-

State of Orissa

.... ***Opposite Party***
Mr. M.K. Mohanty, A.S.C. for State
Mr. Sukanta Kumar Tripathy, Advocate for Informant

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. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Jagannath Prasad P.S. Case No.146 of 2021, corresponding to G.R. Case No.87 of 2021, pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Berhampur, for commission of alleged offences under Sections 366(A)/376(2)(n)/376(3) I.P.C.
3. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant. Perused the case records.
4. Learned counsel for the Petitioner submits that the Informant and the Petitioner had love affairs. Accordingly both of them on consent fled away from the village. He further submits that although

allegation was made of forcible sexual intercourse, such allegation is not supported by medical report. That in reply to the allegation made in the F.I.R. that the girl, who is admittedly a minor, became pregnant, it is submitted that the same is false and baseless as the medical examination report clearly reveals that the victim was not a pregnant. Therefore, it is presumed that the FIR has been lodged on false allegation.

5. Learned counsel for the Informant on the other hand submits that the victim is a minor girl and on allurement of marriage, the Petitioner took away the victim girl and had kept sexual relationship with the girl. In such view of the matter, learned counsel for the Informant opposes the bail application of the Petitioner.

6. Learned counsel for the State supports the contentions raised by learned counsel for the Informant.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the medical report as well as 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 local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to conditions that he will cooperate with the trial of the case, he shall not tamper with the prosecution evidence or threaten or influence the witnesses, particularly the victim girl or try to contact her. Failure to comply any of the conditions shall entail cancellation of the bail of the Petitioner. It is further observed that the trial court may impose any additional conditions, if situations so warrants.

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

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

