

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

**BLAPL No. 8384 of 2022**

***Jitendriya Sahoo @ Jitu***

....

***Petitioner***

Mr. S.K. Das, Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr. Karunakar Gaya, ASC

Mr. S.K. Mishra, Adv (Informant)

**CORAM: JUSTICE V. NARASINGH**

**ORDER**  
**23.11.2022**

**Order No.**

**02.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
3. Learned counsel Mr. S.K. Mishra and associates have appeared on behalf of the informants. Vakalatnama filed by Mr. Mishra is taken on record. Name of Mr. Mishra be reflected in the file, cause list and CMS of this Court.
4. The petitioner is an accused in C.T. Case No.3971 of 2021, pending in the file of learned S.D.J.M., Bhubaneswar, arising out of Laxmisagar P.S. Case No.235 of 2021, for commission of alleged offences under Sections 376(2)(n)/323/406/307/506/313/417/34 of IPC.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bhubaneswar by order dated 20.08.2022 in the aforementioned case, the present BLAPL has been filed.

6. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 27.07.2022 and as charge sheet has already been filed on 25.09.2022, further continuance of the petitioner in custody is not warranted.
7. Learned counsel for the informant as well as State opposes the prayer for bail.
8. It is on record that the informant is in litigating terms with the petitioner, in as much as she has filed an FIR against the present petitioner on 02.07.2021 which is registered as Capital P.S. Case No.384 of 2021 and another on 05.07.2021 in Badagada P.S. Case No.230 of 2021. It is curious to note that in Badagada P.S. Case No.230 of 2021, the informant has described herself as the wife of the present petitioner and married for about 7 years.
9. The learned counsel for the State on the basis of medical examination report submits that there are no external injuries.
10. Perused the 164 Cr.P.C. statement of the informant.
11. Considering such statement and keeping in view the inter se dispute between the parties and keeping in view the FIR relating to Badagada P.S. wherein the informant has described herself as the wife of the petitioner, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.
12. Accordingly, the BLAPL stands disposed of.
13. Urgent certified copy of this order be granted as per rules.

**(V. NARASINGH)**  
**Judge**