

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7544 of 2021

Nilesh Mansingh @ Raja

....

Petitioner

Mr. B.R. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.03.2022

Order No.

04.

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.
3. This is an application under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Sarankul P.S. Case No.90 of 2021 corresponding to G.R. Case No.151 of 2021 pending in the court of learned J.M.F.C., Odagaon on the grounds stated therein.
4. Perused the F.I.R. and the impugned order dated 27.08.2021.
5. Gone through the contents of the F.I.R.
6. The complainant lodged the F.I.R. stating that she is married to one Jyoti Ranjan Sahoo since 05.06.2021 and after about 5 to 6 days of her marriage, suspected the petitioner and another accused to have sent her obscene pictures to husband's mobile phone and also

her relatives. In that connection, after the case was registered, the petitioner was arrested and forwarded to the court.

7. Learned counsel for the petitioner submits that the present accused was in a relation with the victim prior to her marriage and one of his friends, who is also an accused and presently in custody, edited the photographs and apparently, sent it to the victim's husband's mobile Whatsapp which is revealed from the investigation report and considering the fact that the charge sheet is filed and period of detention which is nearly five months, the accused should be enlarged on bail with any conditions. Further, learned counsel for the petitioner submits that on similar footing with the present petitioner has already been released on bail by this Court by order dated 06.12.2021 in BLAPL No.7543 of 2021.

8. Learned counsel for the State, on the other hand, contended that the petitioner is also responsible for sending obscene photographs besides the other accused.

9. It is made to suggest from the F.I.R. that the petitioner allegedly sent the photographs to the mobile phone of the victim's husband. The other accused also viraled some of the photographs and sent it to the victim's husband. Learned counsel for the State submits that both the accused persons were having one sided love affair with the victim and thereafter, later to her marriage, they committed the overt acts. It is apprised to the Court that the incriminating materials with regard to the message and photographs sent to the victim's husband mobile phone have been seized by the police. The petitioner is in judicial custody since in the month of May, 2021. In the meantime, charge sheet has been filed as submitted by learned counsel for the petitioner.

10. Having regard to the above facts and the completion of investigation and the period of detention of the petitioner, and the fact that the offences are triable by a Magistrate First Class and incriminating materials having already been seized, the Court is of the considered view that the accused should be enlarged on bail with conditions.

11. Accordingly, it is directed that the petitioner be released 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 below with the conditions that :-

- I. The petitioner shall not cause any harm or terrorize the victim and her husband in any manner whatsoever, while on bail; and
- II he shall not commit or repeat the alleged mischief and in case, any of the above conditions is/are violated, it shall entail cancellation of bail forthwith.

12. The BLAPL is accordingly disposed of.

13. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge