

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

**BLAPL No.7595 of 2021**

***Krushna Golary***

....

***Petitioner***

*Mr. T.K.Mishra, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

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

*Mr.P.K.Das, Advocate for informant*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**  
**18.02.2022**

**Order No.**

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Mr.P.K.Das, learned counsel submits that he has entered his appearance on behalf of the informant and he has filed Vaklatnama. The name of Mr.Das be indicated in the cause list.
3. Heard learned counsel for the Petitioner, learned counsel for the State and Mr.P.K. Das, learned counsel appearing for the informant. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in T.R. Case No.50 of 2021 arising out of B.Singhpur P.S. Case No.87 of 2021 pending in the court of learned Additional Sessions Judge-cum-Special Judge, Jeypore for commission of offence punishable under Sections 376(2)(n)/506 of the Indian Penal Code and Section 6 of Protection of Children from Offence Act, 2012.
5. Learned counsel for the Petitioner submits that the witnesses examined so far by the Police have not whispered about the

involvement of the Petitioner in the present crime. He also submits that the victim is a major one and she used to join with the company of the Petitioner voluntarily. Moreover, the medical report is also silent about the recent sexual intercourse or any violence on the person of the victim girl.

6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner on the ground that the victim girl is a minor. Learned counsel appearing for the informant also opposes the prayer for bail of the Petitioner and submits that if the Petitioner is released on bail, he may influence the witnesses.

7. Upon consideration of the submissions made by the respective parties as well as on perusal of the records and on consideration of the peculiar facts and circumstances of the case, I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to condition that he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not contact or influence the victim in any manner whatsoever, shall appear before the trial court during trial on each date. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions as may deem just and proper.

9. The Bail Application is accordingly disposed of.

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

