

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8143 of 2021

Sikendhar Naik

....

Petitioner

D. Parida, Advocate

-versus-

State of Orissa and another

....

Opposite Party

Mr. K. K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

20.04.2022

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. Perused the Case Diary, F.I.R. and statement of witness.

3. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Bhanjanagar P.S. Case No.247 of 2021, corresponding to G.R. Case No.719 of 2021, pending in the court of learned S.D.J.M., Bhanjanagar, Ganjam, for commission of alleged offences under Sections 376(2)(n) of I.P.C.

4. The prosecution case, in brief, is that on 14.6.2021 at around 8.00 p.m. one Smt. Champa Naik, aged about 22 years, W/o. Late Kalia Naik, residing at Kabirajpur, Akhupadar, PS-Bhanjanagar, Dist.-Ganjam appeared at the police station and presented a written report alleging therein that one year back the present petitioner of her village developed love affair with her and most of time he talked with her over telephone. It is further submitted that in the absence of

her family members, the accused person used to visit the house of the informant and was keeping physical relation with her forcibly without her consent. It is further submitted the accused person took the informant to his house and kept her there about three days and stayed there as husband and wife. On 12.6.2021 in the night, the accused person refused to marry her and kicked out her from his house.

5. Learned counsel for the Petitioner submits that Petitioner is in jail custody since the date of his arrest, i.e. 15.06.2021. It is submitted that the investigation of the case has been over and charge-sheet has been submitted by the police. It is further submitted that both Petitioner and the victim girl had developed consent sexual relationship. When Petitioner refused to marry the victim girl, a false case has been foisted against the Petitioner.

6. Learned counsel for the State on the other hand opposes the bail application of the Petitioner on the ground that the allegation in the FIR is heinous in nature, therefore no leniency should be shown to the accused person. Further he submits in the event of release, stringent conditions may be imposed on the accused Petitioner.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, 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. The trial court is directed to impose the terms and conditions as deem fit and proper in the facts and circumstances of the case.

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

