

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8559 of 2021

Sarat Rana

..... Petitioner
Mr. U.R. Jena, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.03.2022

Order No.

02.

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 F.I.R., case diary, the statement of the witnesses and other relevant documents on record and the statement of the victim recorded under Section 164 of the Cr.P.C.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in Special G.R. Case No.35 of 2021 arising out of Saintala P.S. No.102 of 2021 pending in the court of learned Special Judge(POCSO), Bolangir for commission of offence punishable under Sections 376(2)(n)/506, I.P.C. read with Section 6 of the POCSO Act.
5. The prosecution case which reveals from the said F.I.R. is that

the son of Jogendra Rana, namely, Sarat Rana was in love for about one year with the informant. Due to his false assurance in the absence of her father and mother, she has kept physical relationship. When she requested for marriage, he was agreed to marry. On 02.04.2021 at about 3.00 P.M., he had come to the house of the informant and at that time, the mother of the informant came to her house. At that time, he has stated that he will marry the informant. On 09.04.2021 at about 7.00 P.M. when her father and uncle went to their house they have refused to marry and abused them in filthy language.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 11.04.2021 and in the meantime, investigation has been concluded and charge-sheet has already been submitted. He further submits that the Petitioner has been falsely implicated in the present case and the allegations made against the Petitioner is baseless and concocted. Further, learned counsel for the petitioner referring the statement of the victim recorded under Section 164, Cr.P.C. submits that there is no allegation of rape made out against the petitioner and that on pressurize of the family members, the victim wanted to marry the victim.

7. Further, learned counsel for the Petitioner submits that referring the statement of the victim recorded under Section 164 of the Cr.P.C. and medical examination of the victim do not corroborate the case and that there is no scope for absconding or fleeing away from the hands of the justice, as the Petitioner is permanent resident of the locality.

8. Mr. Mohanty, learned Additional Standing Counsel for the

State, vehemently, opposes the prayer for bail of the petitioner on the ground that the alleged crime is heinous in nature. Therefore, he prays for rejection of the bail application of the petitioner. He also submits that in the event the petitioner released on bail, he might threaten / influence the prosecution witnesses particularly the victim. Further, he submits that in the event this Court is inclined to release the petitioner on bail, some stringent terms and conditions may be imposed.

9. Considering the surrounding facts and circumstances, nature of allegation, statement of the victim recorded under Sections 164 and the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the victim or her family members in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date;
- IV. he shall not make any attempt to contact the victim and shall stay away from the victim and her family members; and

- V. he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

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

11. The Bail Application is accordingly disposed of.

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

Jagabandhu

