

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8655 of 2021

Kalyan Prasanna Behera

..... Petitioner
Mr.A.K.Sahoo, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.03.2022

Order No.

4. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. Perused the Case Diary, F.I.R. and the statements of the witnesses recorded under section 161 Cr.P.C.
4. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Barkote P.S.Case No.137 of 2021, corresponding to C.T.Case No.248 of 2021, pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Deogarh for alleged commission of offence under Section 363 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 06.06.2021 and that the investigation has been completed and charge sheet has been submitted. It is

submitted by the learned counsel for the Petitioner that the victim has eloped with the Petitioner but did not complaint of any forcible sexual assault. It is also submitted by the learned counsel for the Petitioner that the daughter of the informant is a major one and a consenting party to the alleged occurrence. He also submits that the medical examination report submitted by the Doctor is silent about sexual assault on the daughter of the informant. It is also submitted by the learned counsel for the Petitioner that since the petitioner belongs to the locality, therefore, there is no chance of his absconding or fleeing away from the hands of justice and in the event of his release on bail, he will appear before the trial court on each and every date.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner on the ground that the nature of allegations is very serious in nature.

7. Considering the aforesaid fact and after perusal of the case diary, and the custodial detention of the Petitioner, and the voluntary elopement of the victim with the Petitioner and after elopement did not disclose of any forcible sexual assault before anybody and the medical examination report, I am inclined to release the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid 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 the following terms and conditions

- i) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- ii) shall not indulge in any offence of similar nature
- iii) shall not threaten or terrorise the witnesses while on bail and also shall not try to contact the victim in any manner.

- v) Violation of any of the terms and conditions shall entail cancellation of bail.
- 8. The BLAPL is accordingly disposed of.
- 9. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

