

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.535 of 2021

Bikash Kumar Rath

....

Appellant

Mr. Ramani Kanta Pattanaik, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr.M.K. Mohanty, ASC for State-Respondent No.1

Mr. Niraj Kumar Sethi, Advocate for Respondent No.2

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

29.03.2022

Order No.

06.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. Learned counsel for the Appellant produced certified copy of the surrender certificate in Court today indicating the fact that the Appellant has been surrendered before the court below on 25.03.2022. The same is taken on record.

3. Heard learned counsel for the Appellant, learned counsel for the State-Respondent No.1 and the learned counsel for the Informant-Respondent No.2. Perused the Case Diary, F.I.R. and statement of the witness.

4. This appeal has been filed by the Appellant challenging the order dated 29.09.2021 passed by the learned P.O., Special Court under the S.C. & S.T. (POA) Act in C.T. Case No.126 of 2020, arising out of Banki P.S. Case No.178 of 2020, for commission of

alleged offences under Sections 341/323/294/506/354/493/417 of I.P.C. read with Section 3(2)(v) of the S.C. & S.T. (POA) Act, rejecting the bail application filed by the Appellant.

5. It is submitted by learned counsel for the Appellant that the victim girl is a major girl aged about 22 years. Further it is submitted that over a period of time, Appellant had developed love relationship and the said love relation subsequently turned to marriage. Both the informant and accused consented to marriage but due to dispute between their family members, their marriage could not be taken place. In the 164 statement, the victim girl also admitted the fact of love relationship between the Appellant and herself. The informant also denied for medical examination before the police. Accordingly, learned counsel for the Appellant prays that the Appellant may be released on bail on such terms and conditions as this Court deems just and proper.

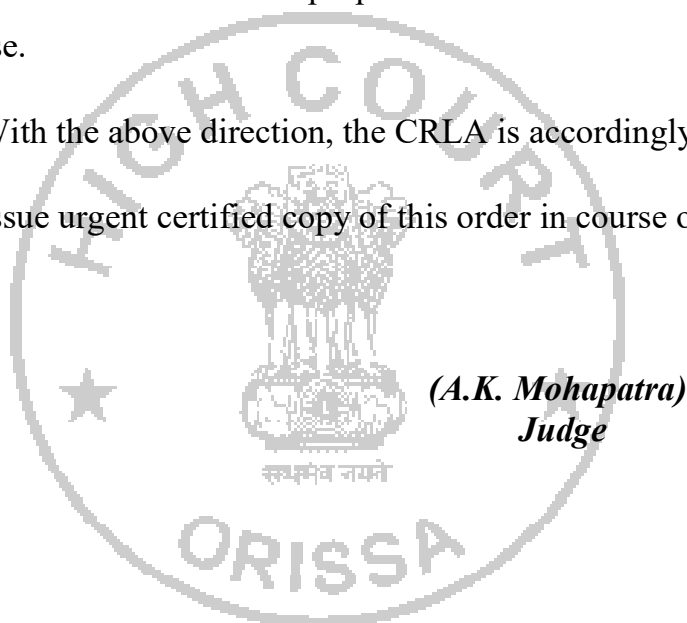
6. Learned counsel for the Informant appeared through her counsel Mr.Niraj Kumar Sethi. It is submitted that the dispute has been amicably resolved between the parties with the intervention of the local gentries.

7. Learned counsel for the State on the other hand objects to the bail application of the Appellant and submits that the nature of offence alleged against the Appellant, his bail application may be rejected.

8. Considering the aforesaid facts and circumstances and on examination of the materials on record and further considering the period of detention in custody and the 164 statement of the victim

girl and the fact that the dispute between the parties have been settled in the meantime, this Court sets aside the order dated 29.09.2021, passed by the P.O., Special Court under S.C. & S.T. (POA) Act, Cuttack in C.T. Case No.126 of 2020. Further it is directed that let the Appellant be released on bail subject to furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the terms and conditions as would be fit and proper in the facts and circumstances of the case.

9. With the above direction, the CRLA is accordingly allowed.
10. Issue urgent certified copy of this order in course of the day.



U.K.Sahoo