

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.539 of 2021

Shankara Sahu @ Shankar Sahu ***Appellant***
Mr.Suryakanta Dwibedi, Advocate

-versus-

State of Odisha and another ***Respondents***
Mr.M.K. Mohanty, ASC for State-Respondent No.1
Mr. Debabrata Dash, Advocate for Respondent No.2

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
08.03.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. 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 recorded under Section 164 Cr.P.C.
3. This appeal has been filed by the Appellant challenging the order dated 14.09.2021 passed by the learned Special Judge, Kalahandi, Bhawanipatna in C.T. Case No.45 of 2021, arising out of Thuamul Rampur P.S. Case No.85 of 2021, for commission of alleged offences under Sections 354-A/376(2)(n)/506 of I.P.C. r/w. Section 3(2)(v)(va) of S.C. and S.T. (Prevention of Atrocities) Act, 1989, rejecting the bail application filed by the Appellant.
4. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 10.08.2021. The

further submission is that police after completion of investigation has submitted charge-sheet against the Appellant in the case. Further the victim girl is aged about 21 years and the Appellant alleges that physical relationship has been developed only after consent from the victim girl. However, due to some disturbance between the parties, their marriage could not be materialized. Accordingly, the Informant lodged false FIR against the Appellant. It is further submitted that Appellant is a local resident of the area, therefore there is no chance to evade the trial of the case.

5. Learned counsel for the Informant on the other hand vehemently opposes the bail of the Appellant on the ground that the present Appellant is involved in the heinous crime. He also submits that statement of the victim girl has been recorded under Section 164 Cr.P.C., wherein the Informant has adduced evidence against the Appellant.

6. Learned counsel for the State also objects to the bail of the Appellant. He, however, submits that stringent conditions may be imposed on the Appellant, in the event of release on bail.

7. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Appellant and the statement of the witness u/s.164 Cr.P.C., this Court is inclined to release the Appellant on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local sureties for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- (i) He shall not involve himself in any similar nature of offence;

(ii) He shall appear before the trial court on each and every date as fixed by the court;

(iii) He shall appear before the I.O. of the concerned Police station twice in two months, i.e. on Wednesday and Sunday at 10.00 A.M. to 1.00 P.M. and thereafter once in every month on Wednesday at 10.00 A.M. to 1.00 P.M. till completion of trial;

(iv) He shall not leave the jurisdiction of the concerned court without special permission;

(v) He shall not tamper with the prosecution evidence;

(vi) He shall not influence or threaten any prosecution evidence and cooperate in the investigation;

(vii) He shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile number, the same shall also be intimated to the local police;

(viii) Violation of any of the above conditions shall entail cancellation of the bail; and

(ix) The trial court may impose any other condition(s), as deem fit and proper.

8. With the above direction, the CRLA is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge