

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13096 of 2022

SK. Mushruddin @ Mushir ***Petitioner***
Mr. Kartik Chandra Tripathy, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. Shashanka Patra, ASC.

CORAM:
JUSTICE CHITTARANJAN DASH

Order No.

ORDER
14.11.2022

01. 1. Heard learned counsel for the Petitioners and the State.
2. By means of this application the Petitioner seeks a pre-arrest protection U/s. 438 Cr.P.C for his alleged involvement in the offence U/s 294/254(C)/354(D)/376(2)(n)/493/420/500 IPC read with Section 66/67 of Information Technology Act, 2000 in connection with Cyber Crime and Econ P.S Case No. 36 dated 2022 corresponding to C.T Case No. 5190 of 2022 pending before the learned S.D.J.M., Bhubaneswar.
3. It is alleged that the victim girl lodged a complaint before the Court of S.D.J.M., Bhubaneswar which having considered was sent to the police for investigation U/s. 156 (3) Cr.P.C, consequent upon which the police registered the case as above. It is alleged in the complaint that the victim girl who was working at Arab Emirates as Finance Manager in M/s. Smart Deal Technical work L.L.C, came across the petitioner through the Social media “Instagram” and in

course of their interaction they came to know each other but the Complainant could not know the ill motive of the Petitioner behind their association. In order to get monetary help the Petitioner alleged to have pretended the love relationship. She allegedly to have spent money after him and on the request of the Petitioner she extended him financial assistance to the tune of Rs. 90,000/- to establish a Gym Project and supplemented it further by paying Rs. 3,00,000/- in cash.

4. Subsequently she came to know that the Petitioner is engaged in similar relation with several women not only from the state but from Pune, Maharastra and got them cheated even and swindled Rs. 50,00,000/- and avoided to proceed with any relationship. In the instant case, the Petitioner forced the victim lady by black mailing her taking advantages of some objectionable photographs of private moments. It is further alleged that on the basis of an order passed by this Court on 13th December, 2022 wherein a direction was passed that on the consent of both the parties the matter may be sent to Mediation Centre of Orissa High Court for amicable settlement, which the victim lady did not agree and instead furnished an affidavit narrating the manner in which she was subjected to harassment by the present Petitioner and further that on 12th November, 2022 at 10.30 A.M while she was travelling, near electricity office the Petitioner along with some unknown person came in motor cycle, obstructed her car, abused her in filthy language and threatened her to withdraw the case else to face dire consequences in connection whereto the O.P. allegedly to have lodged FIR sending it through Speed post, the copy whereof she has annexed with the affidavit.

It is submitted by the learned counsel for the Petitioner that the affidavits submitted by the victim lady has been so prepared to make the case complicated and the offences graver although the Petitioner is ready to bring about the solution to the alleged grievances of the victim lady by way of a mediation as proposed by this Court vide order dated 13.10.2022.

4. Having regard to the submissions of the parties and the affidavit furnished by the Opposite Party No.2 pursuant to the order dated 13th October 2022 there appears a consistent harassment by the Petitioner despite the victim avoided to continue the relationship. the very fact that the victim lady deceptively got trapped and extended the physical contact with the Petitioner though she true and emotionally attached to the petitioner pursuant to her interaction through social media which the Petitioner allegedly to have exploited with an intention to cheat. This is apparent from the fact that the Petitioner has made attempt to expose the victim lady in public having got some objectionable photographs of his close association with her in itself suggests the consistent harassment of the Petitioner to the victim lady.

5. In such view of the matter while this Court is not inclined to grant anticipatory bail in favour of the Petitioner, it is directed that if the Petitioner so chooses may surrender before the Court in seisin over the matter and move for bail, learned court concerned shall consider the application of the Petitioner strictly on the basis of the material available on record on its own merit independent of any observations made herein and shall dispose of the bail preferably on the same day enabling the Petitioner to move to the higher forum in case the Court concerned rejects the application. It is further

directed that if the Petitioner chooses to move to the higher forum, on the same day the higher forum shall consider the application for bail strictly on its own merit preferably on the same date if there be no other legal impediment. Considering the grievances of the O.P. No.2 a copy of the affidavit submitted herein may be placed before the learned Court below.

6. The ABLAPL is disposed of accordingly.

(*Chittaranjan Dash*)
Judge

B.K Sahoo

