

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9066 of 2021

Kuna Digal

....

Petitioner

Mr. B.Pr. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.05.2022

Order No.

- 04.
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 C.T. Case No.10 of 2021 arising out of Raikia P.S. No.02 of 2021 pending in the court of learned J.M.F.C., G. Udayagiri for commission of offence punishable under Sections 323/376(1)/506/451/354/354-A(1)(i), I.P.C.
 5. It is alleged in the FIR lodged by the informant, namely, Jochana Rani Pradhan on 09.01.2021 to the effect that she works as

Home Guard at Raikia P.s., Kandhamal. On the same day, after completing her duty at P.s. from 6.00 A.M. to 2.00 P.M. she returned to her rented house at Basanti Palli. At about 2.40 P.M. while she was alone in the house at changing her dress, the present petitioner forcibly entered into her house, embraced her by touching her private parts by holding her. It is also alleged that when she protested the petitioner gagged her mouth and gave four to five slaps on her face. Thereafter she fell down and raised hulla as a result of which her sahi people arrived at the spot for which the petitioner escaped from the front door where he kept his motorcycle and left the spot. She further mentioned that while leaving the petitioner threatened her not to disclose the same to anybody or else she would be killed. It is further mentioned that in the year 2020 at 3.15 P.M., the petitioner also forcibly entered into her house and kept physical relationship with her. But of same she did not disclosed the fact to anybody. Due to the present incident, she compelled to report this matter at the police station.

6. Learned counsel for the petitioner submits that the petitioner is a press reporter and he is in custody since 29.07.2021 and in the meantime, investigation has been concluded and charge-sheet has already been submitted. He further submits that on one occasion, the petitioner went to the police station where the victim was sitting and he assaulted the informant. Thereafter the present F.I.R. has been lodged alleging the aforesaid offences. Further, he submits that the petitioner has been falsely implicated in this case, which is baseless. Due to some previous dispute, there was altercation between the two and thereafter, the false case has been lodged giving a colour of heinous nature of offence. The petitioner is a press reporter and he has published some report, which affects the victim, for which the

false allegations have been made against the petitioner. The petitioner is a press reporter and well known to him in the locality 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.

7. 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.

8. Considering the facts and circumstances, materials on record 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; and

- IV. he shall not make any attempt to contact the victim and shall stay away from the victim and her family members;

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

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

10. The Bail Application is accordingly disposed of.

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

Jagabandhu

