

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9123 of 2021

Brundaban Mantri

....

Petitioner

Mr.Dibya Jyoti Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.04.2022

Order No.

06

1. 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. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Kendrapara P.S.Case No.109 of 2019 corresponding to G.R.Case No.894 of 2019 pending in the Court of the learned S.D.J.M., Kendrapara for alleged commission of offence under Sections 493,417,376(1) of the Indian Penal Code.
4. The prosecution case, as revealed from the F.I.R. lodged by one Gayatri Bhanja before the I.I.C.,Kendrapara P.S. alleging therein that she had a love relationship with the present Petitioner since last four years. It is also alleged in the F.I.R. that giving false assurance of marriage, the Petitioner kept physical relationship with the informant, Gayati Bhanja many times taking her to different places.

The informant has also alleged in the F.I.R. that on 21.06.2019 she came to know that the Petitioner has married another lady and cheated the informant and other general allegations are there.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 17.09.2021 and in the meantime investigation has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is permanent inhabitant of Kendrapara district, there is no chance of his absconding or fleeing from the hands of justice. He also undertakes to appear before the trial court on each and every date of posting of the case.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that allegation against the Petitioner is serious in nature and accordingly, his prayer for bail may be rejected by this Court.

7. Having heard learned counsel for the parties, considering the fact and circumstances of the case and the period of custodial detention of the Petitioner, I am inclined to grant bail to 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.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) he shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.

- v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may impose any other condition(s) as deem fit and proper.
9. The BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

