

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9156 of 2021

Sudhansu Sekhar Swain

...

Petitioner

Mr. B. Jalli, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. S.K. Mishra,
Addl. Standing Counsel
Mr. D. Sethy, Advocate
(for informant)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
04.01.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard Mr. B. Jalli, learned counsel for the petitioner; Mr. S.K. Mishra, learned Addl. Standing Counsel and Mr. D. Sethy, learned counsel appearing for the informant.
3. The petitioner is in custody since 08.10.2021 in connection with Puri Town P.S. Case No.92 dated 30.03.2021 corresponding to G.R. Case No.1098 of 2021 pending in the court of learned S.D.J.M., Puri for the alleged commission of offence under Sections 376(2)(n)/294/323/506/420/34 of IPC.
4. The allegation against the petitioner is that he and the victim lady, who is aged about 25 years, were in love relationship, in course of which they visited several places outside Odisha and had sexual relationship. When the victim girl wanted to marry him, he refused.

5. It is submitted by learned counsel for the petitioner that only because the petitioner refused to marry, the case has been foisted even though whatever had happened between them was purely consensual in nature.

6. Learned counsel for the informant submits that taking advantage of the innocence and trust of the victim girl, the petitioner has exploited her and hence he should not be released on bail.

7. Learned Addl. Standing Counsel on the other hand has opposed the prayer for bail by submitting that there are materials available on record to prima facie show the complicity of the petitioner in the occurrence.

8. Having considered the rival submissions, the materials on record, the period of detention already undergone and having regard to the nature of allegations vis-a-vis the age of victim, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall not approach, threaten, coerce or pressurize the victim in any manner whatsoever failing which it shall be open to the court below to cancel the bail.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge