

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9262 of 2021

Bapia Charan Singh

....

Petitioner

Mr. A. Bhoi,
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. A. Bhoi, learned counsel for the Petitioner and Miss S. Mishra, learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 7th September, 2021, in connection with Brahmapur P.S. Case No.67/2021 corresponding to C.T. Case No.35/2021 of the court of learned S.D.J.M., Nilgiri for the alleged commission of the offence under Section 376 of I.P.C. Act.

4. A bare perusal of the F.I.R. clearly shows that the Petitioner and the informant were in love relationship for more than two years and had wilful sexual relationship, as a result of which the informant lady became pregnant. The only allegation against the Petitioner is that he took the victim and left her in her elder sister's house and has not been contacting her since then. Hence, prima facie, a case under Section 376 of I.P.C. is not made out.

5. Having regard to the above facts and the period of detention already undergone, I am inclined to allow the prayer for bail. Let the Petitioner- Bapia Charan Singh be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case.

6. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge