

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10407 of 2022

Manoj Kumar Das

....

Petitioner

Mr. S.K. Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Mr. R. Behera, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER
14.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.1386 of 2022, pending in the file of learned J.M.F.C., Khallikote, arising out of Khallikote P.S. Case No.543 of 2022, for alleged commission of offence under Sections 365/294/452/376(2)(n) and 506 of IPC and is in custody since 29.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote by order dated 18.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the informant has placed on record affidavits filed by the informant-mother and another by the victim indicating that the matter has been settled.

6. It has been stated that the victim had consciously decided to join the accused-petitioner in matrimony.

7. Taking into account such recitals in the affidavit, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Before releasing the learned Court in seisin is called upon to verify from the victim as to whether the recitals of the affidavit referred to herein above are out of her free will or not. If the victim states that such affidavit is not a volutnary one, this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

