

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10409 of 2022

Tusil Kumar Murmu

....

Petitioner

Mr. B.S. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

Mr. B. Tripathy, Adv.(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
14.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
2. The petitioner is an accused in connection with G.R. Case No.864 of 2022, pending in the Court of the learned J.M.F.C., City, Cuttack, arising out of Badambadi P.S. Case No.196 of 2022, for alleged commission of offences under Sections 294/323/376(2)(n)/506 of IPC.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Cuttack, by order dated 14.10.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the petitioner is in custody since 04.08.2022 and since charge-sheet has been filed on 05.09.2022, further continuance of the petitioner in custody is unwarranted.
5. Perused the 164 Cr.P.C. statement of the victim.

6. Considering the tenor thereof, 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.

7. Learned counsel for the informant, on instruction, submits that since the petitioner is an Engineer, through his henchman, he is trying to threaten the informant and her family.

8. To allay the apprehension of the informant and to instill a sense of confidence in the victim and her family members, this Court directs that the petitioner shall appear once every week before the Mancheswar police station on such date and time to be fixed by the learned Court in seisin and he shall not in any way try to intimidate or contact the victim/her family. Certification of such appearance shall be submitted to the learned Court in seisin.

9. It shall be open to the victim to seek variance of this order, in the event there is any threat perception.

10. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha