

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9429 of 2021

Kiran Khadia

....

Petitioner

Mr. S. Behera
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
07.01.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.

2. Heard Mr. S. Behera, learned counsel for the Petitioner and Mr.S.K.Mishra, learned Addl. Standing Counsel for the State.

3. The Petitioner is in custody since 14th September, 2020 in connection with Lephripada P.S. Case No.169/2020 corresponding to G.R. Case No.1336/2020 pending in the court

of learned S.D.J.M., Sundargarh for the alleged commission of the offence under Sections 376(2)(n)/323/294/506/34 of I.P.C.

4. It is submitted by learned counsel for the Petitioner that the Petitioner and the victim lady, who was 20 years at the relevant time, had love relationship during which she willfully involved herself in sexual intercourse and only because the Petitioner subsequently resiled from his promise to marry the victim, the case has been foisted.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the medical evidence clearly proves the allegation of forcible sexual intercourse.

6. Having regard to the submissions made, the materials on record, the period of detention already undergone and the fact that charge sheet has already been submitted in the case, I am inclined to allow the prayer for bail.

7. Let the Petitioner- Kiran Khadia 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 including the condition that he shall appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

