

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9499 of 2021

Bhuban Behera @ Jilu

....
Petitioner
Mr.Satyabrata Panda, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr. G.C.Rout, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
12.01.2022

1. This matter is taken up by video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. ★ This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Boudh P.S. Case No. 178 of 2020 corresponding to C.T. Case No. 467 of 2020 registered under Section(s) 376(2)(n)/313/417 IPC read with section 66E, 67, 67(A) of the I.T. Act pending in the Court of learned S.D.J.M., Boudh on the grounds stated therein.
4. Perused the F.I.R. i.e. Anneuxre-1 and impugned order dated 07.10.2021 as at Annexure-2.
5. Gone through the contents of the F.I.R.
6. Learned counsel for the petitioner submits that the accused and the informant were in a relationship for quite some time and had sexual intimacy, as a result of which, latter had become pregnant and subsequently, on account of

compromise, both stayed together in a rented house. It is further submitted that there was an attempt to solemnize a marriage between the parties at the local Registrar office but the same could not be materialized due to absence of the documents of the accused, however, both notarized their marriage and stayed together and as per the allegation, on 29.07.2020, the accused abandoned the victim and left, where after, the F.I.R. was lodged. It is submitted that taking into account the circumstances under which the F.I.R. was lodged and the fact that the parties had been in a relationship till the time the report was lodged by the informant and that accused is in judicial custody since 03.09.2021, he should be released on bail with any conditions which is objected to by the learned counsel for the State.

7. The relationship between the parties revealed from the F.I.R. itself. The victim described all events which happened since 2018 about the relationship between her and the petitioner and how the dispute was resolved with the assistance of local police. It is claimed that after the above compromise the parties lived together. The F.I.R. reveals that with the intervention of police of local outpost, the compromise was arrived at between the petitioner and the victim and both remained together from 23.07.2021 till 29.07.2021. Perused the statement of the victim recorded under Section 161 Cr.P.C., a copy of which is at Annexure-3. It appears that the parties have had a relationship and subsequently, disturbances arose, later to which, on intervention of the local police, there was a compromise and even an attempt for marriage was made. The F.I.R. is of the year 2020 and almost after a year, the petitioner was arrested and he is in custody for nearly four months by

now. It is submitted to the Court that the charge sheet has already been filed, in the meantime.

8. Having regard to the above facts, the fact that the investigation has been completed and taking into account the period of detention i.e. from 03.09.2021 and regard being had to the circumstances under which the dispute between the parties arose, the Court is of the humble opinion that the petitioner should be allowed to go on bail with conditions and accordingly, it is ordered.

9. In the result, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.40,000/- (rupees forty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such other terms and conditions, as deemed just and proper, in the facts and circumstances of the case.

10. ★ The BLAPL is accordingly disposed of. ★

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 5143 and 515 dated 7th January, 2022.

(R.K.Pattanaik)
Judge

