

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9514 of 2021

Rajat Keshari Mishra

....

Petitioner

Mr.S.K. Samantray, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.A.N. Pradhan, Addl. Standing Counsel

CORAM:

JUSTICE R.K. PATTANAIK

ORDER

12.01.2022

Order No.

01.

1. This matter is taken up through 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. filed by the petitioner for bail in connection with Banpur P.S. Case No.205 of 2021 corresponding to G.R. Case No.185 of 2021 pending in the court of learned J.M.F.C., Banpur on the grounds stated therein.
4. Perused the F.I.R. as at Annexure-1 and the impugned order dated 27.08.2021 i.e. Annexure-2.
5. Gone through the contents of the F.I.R. which has been drawn by the CDPO, Banpur
6. Learned counsel for the petitioner submits that the victim was rescued by the informant and other officials and FIR was lodged thereafter with the allegation that she was given in marriage to the petitioner and at the relevant point of time, was a minor. It is further submitted that taking into account the nature of allegation which is based on child marriage, the petitioner, who is in judicial custody from the date of arrest, should be released on

bail, which is objected to by the learned counsel for the State on the ground that the victim was forced to leave her in-laws house along with petitioner. It is being alleged that the victim married the petitioner and by then she was a minor. The version of the victim is to the effect that she had married the petitioner. The learned counsel for the State submits that victim was forced to leave her in-laws house with her husband at the instance of the latter's father, namely, Satya Narayan Sahoo. It is informed to the Court that charge sheet has been filed, in the meantime.

7. Considering the above facts, nature of allegations, period of detention of the petitioner and closure of investigation, the Court is inclined to release the petitioner on bail with conditions.

8. Accordingly, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.25,000/- (rupees twenty five thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, who shall impose such other conditions, as would be deemed just and proper, in the facts and circumstances of the case.

9. The BLAPL is accordingly disposed of.

10. 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, modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(R.K. Pattanaik)
Judge

