

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3181 of 2022

Harihar Bhoi

.... **Petitioner**
Mr. Sidhartha Das, Advocate

-Versus-

State of Orissa and another

.... **Opposite Parties**
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
15.11.2022

Order No.

01. 1. In the instant case, the challenge is as to the criminal proceeding initiated against the petitioner in connection with Bargarh P.S. Case No.564 of 2022 corresponding to C.T. Case No.1180 of 2022 pending in the court of learned S.D.J.M., Bargarh on the grounds stated therein.
2. Learned counsel for the petitioner submits that the petitioner was in relationship with opposite party No.2, namely, informant but then the marriage could not be materialized at the end, later to which, the FIR was lodged and a case was registered under Section 376(2)(n) I.P.C. along with other allied offences. It is further submitted that the petitioner is a defence personnel and is ready and willing to cooperate in the investigation and if there is a direction issued to surrender before the learned court below and he is allowed to go on bail that would serve the purpose. In other words, learned counsel for the petitioner does not press the matter

on merit but pleaded for a direction to the petitioner's surrender and release on bail considering the nature of allegations which is alleged to be on a false pretext to marry the informant.

3. Mr. Praharaj, learned Standing Counsel for the State objects to the contention of the learned counsel for the petitioner and submits that there has been false promise from the side of the petitioner to the victim and on such pretext, the relationship was developed and there was no consent as such, therefore, Section 376 IPC is well made out against him.

4. However, considering the above submissions of learned counsel for both the sides, though the Court is not inclined to interfere with the criminal proceeding in C.T. Case No.1180 of 2022 pending in the court of learned S.D.J.M., Bargarh but is of the view that the petitioner should be directed to surrender and go on bail subject to condition keeping in view the nature of allegation made against him in the FIR.

5. Accordingly, it is ordered.

6. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Bargarh on or before 9th December, 2022 in C.T. Case No.1180 of 2022 arising out of Bargarh P.S. Case No.564 of 2022 and in the event he surrenders within the time stipulated, the court below shall release him on bail on such terms and conditions as would be deemed fit and proper in the best interest of the parties.

7. Issue urgent certified copy as per rules

(R.K. Pattanaik)
Judge