

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9599 of 2021

Mana @ Muna Harijan

....

Petitioner

Mr. P.K. Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.N. Das, Additional Standing Counsel

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

10.01.2022

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 of Cr.P.C for grant of bail to the petitioner in connection with Baipariguda P.S. Case No.0100 of 2021 corresponding to G.R. Case No.486 of 2021 pending in the file of learned S.D.J.M., Jeypore.
4. Perused the FIR and other connected documents annexed to the bail application besides the impugned order dated 08.10.2021 under Annexure-2.
5. Gone through the contents of the FIR.
6. Learned counsel for the petitioner submits that parties are known to each other as there is evidence with regard to their previous acquaintance since both worked as coolie and subsequently, stayed at a place for about 15 days and in the meantime, their marriage was fixed which is also revealed from the

statement of a witness, namely, Krushna Chandra Bisoi recorded under Section 161 Cr.P.C and having regard to the totality of the circumstances and taking into account the fact that the accused and the victim were in a relationship, the petitioner should be allowed to go on bail and as in the meantime, charge sheet has been filed, a copy of which is made available to the Court which find place as Anneuxre-3. Learned counsel for the State submits that the case diary is not yet been received but as far as the allegation of rape is concerned. It is clearly revealed from the FIR and therefore, the petitioner, who has committed the alleged mischief, should not be granted bail.

7. The Court perused the statements of some of the witnesses i.e. Annexure-4 series, wherefrom, it is made to suggest that the parties have had prior acquaintance for some time and were in a relationship. It is also made to reveal that the petitioner and the victim stayed together at a place for about 15 days though it has been alleged by the latter that she was confined and was subjected to sexual abuse in the hands of the petitioner during the time of stay. It is claimed that the marriage between the parties has taken place in the meantime and however, the Court finds no material in support of such a claim. In any case, the victim was found in the company of the petitioner and both of lived as partners together for nearly 15 days which is revealed from the statement of one Raghunath Harijan and some others recorded under Section 161 Cr.P.C. It appears that the occurrence took place on 18.04.2021, whereas, the victim informant lodged the FIR almost two months after i.e. on 25.06.2021.

8. Having regard to the above facts and submissions made by the counsel for the parties and the fact that the investigation stands concluded and taking into account the material evidence which is

on record to show the circumstances leading to the lodging of FIR, the Court is of the considered view that the petitioner, who is in custody since the date of arrest, should be enlarged on bail with conditions.

9. In the result, the petitioner is allowed to go 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 in seisin over the matter with conditions that he shall not terrorize the victim informant and cause any harm, physical and mental, in any manner whatsoever, while on bail; shall not influence any material of the material witnesses connected to the case; shall attend the PS and report the IIC concerned once in a month preferably on Sunday between 10 AM to 1 PM for a period of next six months.

10. The BLAPL is disposed of.

11. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25 March, 2020 as 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