

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10017 of 2021

Rajesh Kumar Sahu

...

Petitioner

Mr. A. Das, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. P. Tripathy,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.01.2022

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel.
3. The petitioner has been arrested in connection with Papadahandi P.S. Case No.87 of 2019 corresponding to G.R. No.481(A) of 2019 of the Court of learned S.D.J.M., Nabarangapur for the alleged commission of offence under Sections 313/294/506/376(2)(n)/34 of IPC.
4. It is alleged that the petitioner has committed repeated sexual intercourse on the victim against her will and also caused miscarriage of her pregnancy. It is further alleged that the petitioner is said to have taken rupees one lakh from the victim's family on the pretext of marrying the victim but subsequently, resiled from his commitment and also attempted to blackmail the victim by making her photographs viral in social media.
5. It is submitted by Mr. A. Das, learned counsel for the petitioner that a bare reading of the FIR as well as Section 161 statement of the victim would reveal that the relationship between them was purely consensual in nature and even

otherwise there is not even a whisper of allegation that the petitioner had forcefully committed sexual intercourse on her.

6. Learned Addl. Standing Counsel on the other hand has opposed the prayer for bail by submitting that the petitioner's intention was to cheat the victim and his conduct of blackmailing her disentitles him from any sympathetic consideration.

7. Having considered the rival submissions, the materials on record, the period of detention already undergone, which is said to be since July, 2019 and looking into the nature of allegations, particularly, the statement of the victim recorded under Section 161 Cr.P.C., I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial court on each date of posting of the case without fail.

8. BLAPL is accordingly disposed of.

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

(Sashikanta Mishra)
Judge