

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.631 of 2021

Sanjaya Behera

....

Appellant

Mr. Sidhartha Sankar Ray, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr.P.C. Das, ASC for State-Respondent No.1

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

28.06.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant and learned counsel for the State-Respondent No.1. Perused the Case Diary, F.I.R. and statement of the witness on record.
3. This appeal has been filed by the Appellant challenging the order dated 07.07.2021, passed by the learned Addl. Sessions Judge, Aska in G.R. Case No.06 of 2021 (Spl. Act), arising out of Gangapur P.S. Case No.181 of 2021, for commission of alleged offences under Sections 376(2)(n)/506 of I.P.C. read with Section 3(2)(v) of S.C. & S.T. Act and Section 66(E) of I.T. Act, rejecting the bail application filed by the Appellant.
4. The prosecution case, in brief, is that one Santoshini Behera lodged a written report before the police alleging therein that since the year 2016, she had a love relationship with the petitioner Sanjaya

Behera and for the said relation promising to marry the petitioner had kept physical relationship with her. It is alleged that the petitioner returned from Surat on 11.04.2021 and co-habited with her but without marrying her, the petitioner is going to marry another girl. Basing on the aforesaid allegation, the Gangapur P.S. Case No.181/2021 was registered.

5. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 06.5.2021. It is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. In the meantime, the 164 statement of the victim girl has been recorded wherein she admitted that she was in love relationship with the present petitioner since 2016. It is only when the married of the Appellant was fixed with some other girl, the victim girl lodged FIR against the Appellant. Further the appellant is a local person, therefore there is no chance to evade the process of trial of the case and will cooperate for early conclusion of the trial.

6. Learned counsel for the State on the other hand submits that the nature of allegation in the FIR is very serious. Although he does not dispute that they developed relationship since 2016 on false assurance of the Appellant to marry her and now he abandoned such proposal. Accordingly, he objects to the bail application of the Appellant.

7. Considering the aforesaid facts and circumstances of the case and the statement of the victim girl recorded under Section 164 Cr.P.C. and further considering the fact that Petitioner is in jail custody since 06.05.2021, this Court sets aside the order 07.07.2021,

passed by the learned Addl. Sessions Judge, Aska in G.R. Case No.06 of 2021 (Spl. Act), arising out of Gangapur P.S. Case No.181 of 2021. It is further directed that let the Appellant be released on bail subject to furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the terms and conditions as would be fixed by the trial court. Further, the court below shall do well to impose condition that the Appellant shall not influence or threaten or terrorize the victim girl or any of the prosecution witness, it is open for the trial court to revoke the bail application of the Appellant and issue NBW and take the Appellant to custody forthwith.

8. With the above direction, the CRLA is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge