

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.644 of 2021

Kishor Kumar Dhada

.... ***Appellant***
Mr. S.R. Mulia, Advocate

-versus-

State of Odisha and another

.... ***Respondents***

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
05.07.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an appeal under Section 14-A of Schedule Caste and Scheduled Tribe Act.
3. The present appeal is directed against the order dated 09.11.2021 passed by the learned Sessions Judge-cum-Special Judge, Kendrapara in T.R. No.107 of 2021 arising out of Kendrapara Sadar P.S. Case No.480 of 2021 for alleged commission of offence under Sections 417/493/313/323/506, I.P.C. read with Section 3(1)(r)(s)(2)(va) of the S.C. and S.T. (PA) Act.
4. Heard learned counsel for the Appellant as well as learned Additional Standing Counsel for the State-Respondent.
5. Further despite notice having been served on Respondent No.2, which fact has been confirmed by the I.I.C. of the concerned Police Station, none appears on behalf of the Respondent No.2.

6. It is alleged that there was love relationship between the appellant and the Respondent No.2. On pretext of marriage, the appellant kept physical relationship with the victim since long, the victim became pregnant and that the appellant terminated the pregnancy of the victim. Hence, this case.

6. It is submitted by learned counsel for the appellant that the appellant is in custody since 25.08.2021. In the meantime, investigation has been concluded and charge-sheet has been submitted.

7. Further, learned counsel for the appellant submits that the appellant had kept physical relationship with the respondent no.2 on consensual on several occasions since 2018 and they had kept physical relationship at different points of time. Learned counsel for the appellant draws attention of the Court on the statement of the victim recorded under Section 164, Cr.P.C. where the victim/respondent no.2 has categorically stated the incidents. Further learned counsel for the appellant submits that when the marriage was not materialized, the present case arose against the petitioner. It is also submitted that there is no scope for absconding or fleeing away from the hands of the justice, as the appellant is permanent resident of the locality.

8. Learned counsel for the State-Respondent, on the other hand, submits that the allegation made against the appellant is serious in nature. He further submits that considering the gravity of offence, the prayer for bail at the behest of the appellant may be rejected.

9. Having heard learned counsels for the parties and considering the nature of accusation, seriousness and the gravity of offence as

well as custodial detention of the appellant, I am inclined to release the appellant on bail. Accordingly, the impugned order dated 09.11.2021 passed in T.R. No.107 of 2021 is hereby set aside.

10. Let the appellant be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.30,000/-(rupees thirty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the subject to conditions that :-

- I. The appellant shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the family members in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date;

Violation of any of the terms and conditions shall entail cancellation of bail.

11. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

12. With the aforesaid observation, the Appeal is allowed without any cost.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge