

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.650 of 2021

Jhasketan Nayak

.... ***Appellant***
Mr.R.N. Biswal, Petitioner

-versus-

State of Odisha and another

.... ***Respondents***
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
22.02.2022

Order No.

03. 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. Perused the case records.
3. As it appears, despite service of notice, none appears for the Informant-Respondent no.2 when the matter is called.
4. Learned counsel for the State submits that notice has been issued to the Informant, but she did not appear in Court today to oppose the bail application of the Appellant.
5. Learned counsel for the Appellant submits that the victim girl is the Informant here, who has stated in the FIR that she was in love relation with the Appellant. Further, it is stated that her age was about 20 years, therefore, she was major at the time of the occurrence. It is further submitted that since the marriage with the present Appellant did not materialize, she fled away with the present Appellant. It is further submitted that as the Appellant is a local resident, there is no chance for the Appellant to avoid the trial and he will cooperate with the investigation.

6. Learned counsel for the State opposes the bail application of the Appellant on the ground of FIR allegation. Accordingly, he prays that the bail application of the Appellant should be rejected.

7. Upon perusal of the FIR as well as the statement of the witnesses, this Court is of the prima facie opinion that on the consent of the victim girl, physical relation has been possible. Therefore, it cannot be ruled out that the incident has occurred with the consent of the Informant. Further investigation of the case is now over and charge-sheet has been filed in the meantime.

8. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged, the period of detention of the Appellant, this Court is inclined to release the Petitioner on bail on 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 of the matter subject to following conditions:

- (i) He shall not tamper the prosecution evidence;
- (ii) He shall not influence or threaten any prosecution evidence and cooperate in the investigation;
- (iii) He shall not make any attempt to contact the victim girl in any way;
- (iv) He shall appear on each and every date of the trial;
- (v) Further the court in seisin of the matter may impose any additional condition(s), if so requires;

9. With the above observation, the CRLA stands allowed.

10. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge