

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.658 of 2021

Pupun Pradhan

....

Appellant

Ms. Rajalaxmi Biswal

-versus-

State of Odisha and another

....

Respondents

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

Mr. Sanjib Kumar Bhanjadeo, Advocate for Res. No.2

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

05.04.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State-Respondent No.1 and Mr. S.K. Bhanjadeo, learned counsel appearing for Respondent No.2. Perused the Case Diary, F.I.R. Charge-Sheet and statement of the witness.
3. This appeal has been filed by the Appellant challenging the order dated 16.11.2021 passed by the learned Special Judge, Angul, in C.T.(Special) Case No.54 of 2021, arising out of Angul Sadar P.S. Case No.687 of 2021, for commission of alleged offences under Sections 498-A/294/506/379/34 of I.P.C. r/w. Section 3(1)(r), 3(1)(s), 3(2)(va) of S.C. and S.T. (Prevention of Atrocities) Act, 1989, rejecting the bail application filed by the Appellant.

4. The prosecution case, in brief, is that on 26.10.2021, the informant, namely, Debasmita Nayak, has lodged one written report before the Angul Sadar P.S. mentioning therein that she got love marriage with one Pupun Kumar Pradhan at a temple in Tamilnadu and stayed there in a rented house. After residing for 5 years, they returned to Angul and accordingly her husband left her in her parents' house at Angul where she is residing and her husband always talking with her over phone. During stay in Tamilnadu, her husband sends money to her. One day all of a sudden, her husband told her over phone that he is coming to Angul for his brother's marriage. Consequently, her husband returned to Talcher and stayed at his house and he usually coming to meet her. Her husband was promised to marry her but when he returned to Talcher, he resiled from his promise and ignored her and for this reason she had been to her in-laws house on 25.10.2021 at about 7.30 P.M. On seeing her the parents of Pupun Pradhan and others abused herein obscene language by aspersing her caste as PALUNI and assaulted her. When she protested them, they drove out her from their house. Instead of going to her house, she sat over the lane of the in-laws house. After some time, three social workers came there and made conversation with her. After some time PCR van reached there and picked her and released in her house in the next day.

5. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 28.10.2021. It is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. It is also submitted that victim is a local person, therefore, there is no chance to avoid the trial of the case in the event he is released on

bail. Moreover, he undertakes to abide by any terms and conditions that would be imposed by this Hon'ble Court as well as learned court below.

6. Learned counsel for the Informant on the other hand vehemently objects to the prayer of the Appellant on bail, since he has been harassed by the Appellant both mentally and physically over a period of time. The parents of the accused also used obscene language by aspersing her in the name of her caste. Therefore, learned counsel for the Informant prays for cancellation of bail by this Hon'ble Court.

7. Learned counsel for the State also opposes the bail of the Appellant on the ground that the allegation is very serious in nature and no leniency should be shown to the Appellant for grant of bail. It is also submitted that in case of release of the Appellant, stringent conditions may be imposed.

8. Considering the aforesaid facts and circumstances of the case and further considering the fact that Petitioner is in jail custody since 28.10.2021, this Court sets aside the order dated 16.11.2021 passed by the learned Special Judge, Angul, in C.T.(Special) Case No.54 of 2021, arising out of Angul Sadar P.S. Case No.687 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 one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- (i) He shall appear before the trial court on each and every date as fixed by the court;

(ii) He shall appear before the I.O. on every fortnight preferably on Sunday at 10.00 A.M. to 1.00 P.M.;

(iii) He shall not leave the jurisdiction of the concerned court without special permission;

(iv) He shall not tamper with the prosecution evidence;

(v) He shall not influence or threaten or terrorize any prosecution evidence and the informant or his family members in any manner whatsoever and cooperate in the investigation;

(vi) He shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile number, the same shall also be intimated to the local police;

(vii) Violation of any of the above conditions shall entail cancellation of the bail; and

(viii) The trial court may impose any other condition(s), as deem fit and proper.

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

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

(A.K. Mohapatra)
Judge