

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.721 of 2021

Sumit Kumar Das

.... ***Appellant***
Mr.S.K.Nayak, Advocate

-versus-

State of Odisha & another

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.03.2022

Order No.

6. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the appellant as well as the learned Additional Standing Counsel.
3. Perused the Case Diary, F.I.R. and 161 Cr.P.C. statements of the witnesses
4. The appeal is directed against the order dated 07.10.2021 passed by the learned District & Sessions Judge-cum-Special Judge, Kendrapara in T.R.Case No.73 of 2021 arising out of Pattamundai P.S.Case No.279 of 2021 in rejecting the bail application of the appellant.
5. The Prosecution case in brief is that one Sasmita Mallick wife of Sumit Kumar Das lodged an F.I.R. before Pattamundai Police Station alleging that both the Respondent No.2 and the appellant loved each other and on 17.03.2021 they fled away to Delhi where they both married in a temple. After the marriage on the instigation

of the parents of the appellant, he started torture both mentally and physically. The appellant also insulted Respondent No.2 by using the name of her caste.

6. It is submitted by the learned counsel for the appellant that the appellant is the husband and is in custody since 07.10.2021. It is further submitted by the learned counsel for the appellant that the investigation of the case has been completed and charge sheet has been submitted. It is further submitted by the learned counsel for the appellant that since the appellant is a permanent resident of the locality there is no chance of his absconding and in the event the appellant is released on bail he shall cooperate with the investigation as well as the trial of the case.

7. Learned counsel for the State on the other hand opposes the prayer for bail of the appellant on the ground that there is strong prima facie allegation against the appellant. Accordingly he urges for rejection of bail application of the appellant.

8. Considering the nature of allegations made in the F.I.R. as well as the custodial detention of the appellant, this Court is inclined to release the appellant on bail on furnishing a bail bond of Rs.30,000/- (Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions:

- i) he shall not indulge in similar nature of offence.
- ii) shall not threaten or terrorise the informant in any manner whatsoever .
- iii) shall appear before the learned trial court on each date of posting without fail till completion of trial.
- v) Violation of any of the above conditions shall entail cancellation of the bail.

9. With the aforesaid direction the impugned order is set aside.
The appeal is accordingly allowed.
10. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

