

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.727 of 2021

Ghanashyama Mandothia

....

Appellant

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr. K.K. Nayak, ASC for State-Respondent No.1

Mr. Bismaya Ku. Stalin, Advocate for Respondent No.2

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.03.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This appeal has been filed by the Appellant challenging the order dated 08.12.2021, passed by the learned Session Judge-cum-Spl. Judge, Angul in C.T. (Spl.) Case No.58 of 2021, arising out of Angul P.S. Case No.590 of 2021, for commission of alleged offences under Sections 376(2)(n)/506/34 of I.P.C., r/w. Sections 3(1)(r)(w)(i)/2(v)(va) of the SC & ST (POA) Act.
3. It is submitted by learned counsel for the Appellant that the Appellant and the victim girl have married. Because of some matrimonial dispute, the Informant lodged the FIR against the Appellant. It is stated that the dispute between the parties have been settled amicably during pendency of the matter. However, the victim girl in her 164 statement had admitted that the matter has been compromised between the parties. In such view of the matter, a prayer has been made to dispose of the appeal in terms of the said compromise.

4. Mr. B. K. Stalin, learned counsel for the Respondent No.2 agrees and accepts the compromise arrived between the parties. He further submits that the victim girl is staying with the Appellant's family. Therefore he has no objection if the Appellant is released on bail.

5. Considering the facts and circumstances of the case and in view of the compromise entered into between the parties and the period of detention in custody, this Court sets aside the order dated 08.12.2021 passed by the learned Sessions Judge-cum-Spl. Judge, Angul in C.T. (Spl.) Case No.58 of 2021. Further it is 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 of the matter subject to the following terms and conditions:

- (i) While on bail, the Appellant shall not indulge in any other offences;
- (ii) He shall not tamper with the prosecution evidence;
- (iii) He shall not influence or threaten any prosecution witness and cooperate in the investigation;
- (iv) He shall appear before the trial court on each and every date as fixed by the court;
- (v) He shall not leave the jurisdiction of the concerned court without special permission;
- (vi) Violation of any of the above conditions shall entail cancellation of the bail; and
- (vii) The trial court may impose any other condition(s), as deem fit and proper.

6. With the above direction, the CRLA is accordingly allowed.
7. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

