

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12395 of 2022

Durga @ Muna Purty

.... ***Petitioner***
M/s. Sk. Zafarulla, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

21.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Joda P.S. Case No.255 of 2022 corresponding to G.R. Case No.725 of 2022 pending in the Court of learned J.M.F.C., Barbil for commission of offence punishable U/S. 363 of the I.P.C. on the allegation of kidnapping the minor victim girl to compel her to marry against her will.
3. In the course of hearing of the bail application, Mr.Sk. Zafarulla, learned counsel for the petitioner by taking through the statement of the victim submits that the victim has voluntarily joined with the petitioner and the petitioner has no role either in kidnapping or committing any offence upon the victim and the petitioner having detained in judicial custody since 22.10.2022 may kindly be granted bail.
4. Mr.P.K.Patnaik, learned counsel for the State however,

strongly opposes the bail application of the petitioner and he inter alia submits that in the meantime charge sheet has been submitted against the petitioner for offence U/Ss. 363/366 of IPC.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioner as well as the surrounding circumstances in which the offence has been committed and keeping in view the fact that the petitioner is inside custody since 22.10.2022 and charge sheet having already submitted in this case and regard being had to the statement of the victim, this Court admits the petitioner to bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with and that the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on second Saturday of every month in between 10 A.M. to 12 Noon for three months from the date of actual release from the custody. The I.I.C. of jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for

cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

