

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11318 of 2021

Subrat Kumar Habudasingh

....

Petitioner

Mr. B.B. Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
13.07.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary, the statement of the witnesses and other relevant documents on record and the statement of the victim recorded under Section 164 of the Cr.P.C.
4. This is an application under Section 439 of the Criminal Procedure Code.
5. The petitioner is an accused in G.R. Case No.301 of 2021 arising out of Banapur P.S. No.336 of 2021 pending in the court of learned J.M.F.C, Banpur for commission of offence punishable under Sections 363/366/376(2)(n)/342/323/506/34, I.P.C.
6. It is alleged that the brother of the petitioner had given two times for marriage proposal over telephone to the informant/victim, but the informant did not agree with his proposal. On the next day night, Basudev Habudasingh and another brother of the petitioner kidnapped the informant. Hence, this case.

7. Learned counsel for the petitioner submits that the petitioner, who is elder brother of the principal accused, is in custody since 15.12.2021 and in the meantime, investigation has been concluded and charge-sheet has already been submitted. He further submits that the petitioner is no way connected with the alleged crime and that the principal accused, who is the younger brother of the petitioner has already been released on bail by order dated 20.05.2022 in BLAPL No.1152 of 2021.

8. Further, learned counsel for the petitioner submits that there is no sign or symptom of recent sexual intercourse and that there is no scope for absconding or fleeing away from the hands of the justice, as the Petitioner is permanent resident of the locality.

9. Learned Additional Standing Counsel for the State, vehemently, opposes the prayer for bail of the petitioner on the ground that the alleged crime is heinous in nature. Admittedly, there was love relation between the victim and the petitioner. Therefore, he prays for rejection of the bail application of the petitioner. He also submits that in the event the petitioner released on bail, he might threaten / influence the prosecution witnesses particularly the victim. Further, he submits that in the event this Court is inclined to release the petitioner on bail, some stringent terms and conditions may be imposed.

10. Considering the surrounding facts and circumstances, materials on record and the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with two local solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that :-

I. The Petitioner shall not be involved in any

offence of similar nature;

- II. he shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the victim or her family members in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date;
- IV. he shall not make any attempt to contact the victim and shall stay away from the victim and her family members; and
- V. he shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

11. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

12. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge