

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.752 of 2021

Arun Podh

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

-versus-

State of Odisha & another

.... ***Respondents***
Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.03.2022

Order No.

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 as well as the 164 Cr.P.C. statement of the victim and the medical examination report.
4. The appeal is directed against the order dated 04.08.2021 passed by the learned Additional Sessions Judge-cum-Special Judge, Patnagarh in rejecting the bail application of the appellant in connection with Patnagarh P.S.case No.67 of 2019 corresponding to Spl.G.R.Case No.09 of 2019 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Patnagarh.
5. The Prosecution case as alleged by the complainant in the F.I.R. lodged before the I.I.C., Patnagarh P.S. to the effect that on 10.03.2019 at about 11 A.M. and on 15.03.2019 at 10 A.M. the

appellant cheated her and committed rape and threatened to kill her if the same is disclosed to anybody. Thereafter the appellant took the victim to his house for marriage, but the parents of the appellant did not allow her and abused her in obscene languages.

6. Learned counsel for the appellant submits that the appellant is in custody since 26.06.2021 and that the investigation of the case is over and the Police filed charge sheet in the meantime. Further, it is submitted by the learned counsel for the appellant that the appellant as well as the victim girl were in love relationship since last two to three years. The victim girl is aged about 20 years. The appellant was pressurized by the victim and her family to marry the victim and since the family members of the appellant did not agree to the proposal, this false case has been foisted against the appellant. Learned counsel for the Petitioner further submits that the medical examination report of the victim does not support the case of the prosecution as it is found from the medical examination report there is no sign of recent sexual intercourse as found by the Doctor. Further, it is submitted that since the appellant belongs to the locality there is so chance of his absconding and in the event of his release he will cooperate with the trial.

7. Learned Additional Standing Counsel on the other hand opposes the prayer for bail of the appellant. It is further submitted by the learned State Counsel that the nature of allegation is heinous in nature. Therefore, no leniency should be shown to the appellant. Accordingly, he urges rejection of the prayer for bail of the appellant.

8. Having heard learned counsel for the parties, considering the surrounding facts and circumstances of the case and the medical examination report of the victim girl as well as the custodial detention of the appellant and the age of the appellant, this Court is

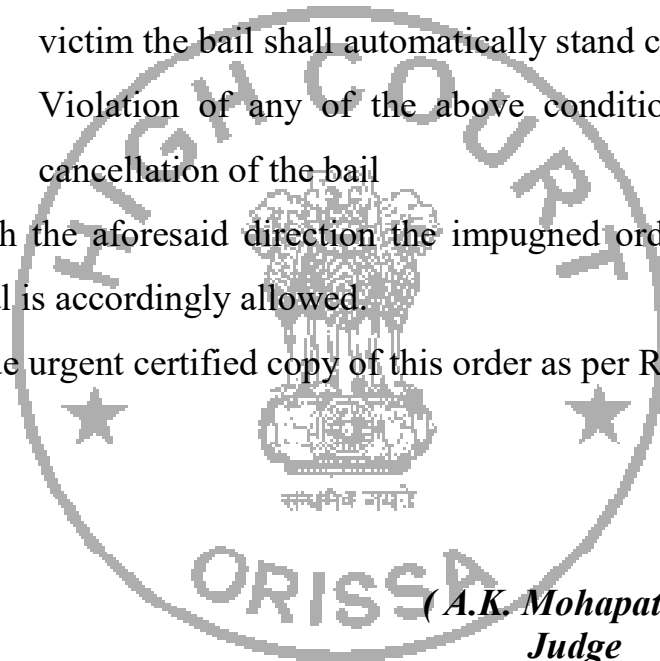
inclined to release the appellant on bail on furnishing a bail bond of Rs.30,000/- (Thirty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions:

- i) He shall not tamper with the prosecution evidence.
- ii) He shall not make any attempt to approach or influence the victim girl.
- iii) He shall not threaten or terrorise the victim girl in any manner whatsoever and in the event it is found that he is making any effort to contact, influence or threaten the victim the bail shall automatically stand cancelled.
- iv) 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