

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12547of2022

Ajay Kumar Ram @ Ajay Ram

....
Mr. Sougat Dash, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr. S.S. Mohapatra, ASC

Opposite Party

CORAM:
MR. JUSTICE K. PATTANAIK

ORDER
22.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 439 Cr.P.C. filed by the petitioner for bail in connection with Plantsite P.S. Case No.306 of 2022 corresponding to S.T. Case No.182 of 2022 pending in the court of learned Additional C.J.M.-cum-Assistant Sessions Judge, Rourkela on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1.
 4. Mr. Dash, learned counsel for the petitioner submits that petitioner is in judicial custody from 11th August, 2022 and so far as the allegations are concerned, it is entirely falsehood, inasmuch as, the petitioner and informant, namely, the victim had been in a consensual relationship since 2015 and thereafter, the latter got married but then the former disclosed about their relationship to her husband which led to the lodging of the present FIR and under the above circumstances and considering the length of detention as petitioner is in custody nearly four months, he should be released on bail with any conditions.

5. Mr. Mohapatra, learned ASC for the State while opposing the release of the petitioner on bail highlighted the conduct of the petitioner, who disclosed everything to the victim's husband and also the alleged mischief of sexual abuse by him since 2015.

6. A copy of the statement of the victim girl recorded under Section 164 Cr.P.C. is produced by Mr. Dash and the same is perused. It is informed by Mr. Dash, learned counsel for the petitioner that chargesheet was filed in the month of October, 2022. It is made to appear that the parties have had a consensual relationship and considering the background facts and circumstances leading to the lodging of the FIR and the fact that the petitioner is in custody from the 11th August, 2022, the Court is of the view that he should be released on bail subject to conditions.

7. Accordingly, it is ordered.

8. In the result, BLAPL stands allowed.

9. Consequently, it is directed that the petitioner be released on bail in connection with Plantsite P.S. Case No., 306 of 2022 corresponding to S.T. Case No. 182 of 2022 pending in the court of learned Additional C.J.M.-cum-Assistant Sessions Judge, Rourkela on furnishing a bail bond of Rs. 30,000/- with two solvent sureties for the like amount to the satisfaction of the learned court below which shall impose such other conditions as would be deemed just and proper in the facts and circumstances of the case.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge