

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12558 of 2022

Dhanasari @ Danasari Suresh **Petitioner**
Mr. S.K. Dash, Advocate and
Mrs. Lipsa Mohanty, Advocate

-Versus-

State of Odisha and Another **Opposite Parties**
Mr. S.S. Mohapatra, ASC, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

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 Paralakhemundi P.S. Case No.187 of 2022 corresponding to G.R. Case No.26 of 2022 in the file of learned Special Judge-cum-Addl. Sessions Judge, Paralakhemundi, Gajapati for commission of offences under Sections 376(2)(n), 376(3), 323, 363, 366, 506 IPC and Section 6 of Protection of Children from Sexual Offence Act, 2012.
3. Perused the copy of the FIR as at Annexure-1.
4. Learned counsel for the petitioner submits that petitioner is in jail custody since 11th September, 2022 and investigation has been completed and chargesheet is submitted and considering the above facts, he should be enlarged on bail with any conditions as would be deemed just and proper in the facts and circumstances of the case. Such a prayer for release of the petitioner has been opposed

and objected to by learned counsel for the State, learned counsel for the State.

5. The Court perused the statement of the victim as at Annexure-3 series recorded under Section 161 Cr.P.C. and the same reveals that she has been in a relationship with the petitioner for some time whereafter was subjected to ill-treatment. As per the victim girl, she and the petitioner developed physical intimacy and later on was ill-treated for which the present Fir was lodged.

6. Considering such submissions made and on perusal of the 161 statement of the victim under Section 161 Cr.P.C. and as parties were known to each other for nearly 3 years and thereafter under the circumstances narrated the report was lodged, the Court, under the above circumstances, is of the view that the petitioner should be released on bail with 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 Paralakhemundi P.S. Case No.187 of 2022 corresponding to G.R. Case No.26 of 2022 in the file of learned Special Judge-cum-Addl. Sessions Judge, Paralakhemundi, Gajapati on furnishing a bail bond of Rs.25,000/- with one solvent surety 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 and further he shall not commit any mischief vis-a-vis victim girl in any manner whatsoever while on bail.

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

(R.K. Pattanaik)
Judge