IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.4521 of 2024

Debabrata Martha **.....** ***Petitioner***

Represented By Adv. -
Brundaban Rout

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented By Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
16.07.2024

Order No.

02. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 439 of Cr.P.C. has been filed by the Petitioner for regular bail relating to Bhubaneswar Mahila P.S. Case No.36 of 2024, corresponding to C.T. Case No.330 of 2024, pending before the learned S.D.J.M., Bhubaneswar, for alleged commission of offence punishable under Sections 376(2)(n), 406, 506, 323 & 34 of IPC.

4. Learned counsel for the Petitioner submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 01.05.2024. He further contended that the investigation has been completed and the final charge-sheet has been filed. Learned counsel for the Petitioner at the outset submitted that the Petitioner has been

falsely implicated in the present case. He further submitted that the Victim does not want to proceed further in the present case, accordingly, an affidavit has been sworn by the Victim-Informant before the Oath Commissioner of this Court on 09.07.2024. In course of argument, learned counsel for the Petitioner submitted that that present case has been registered due to misunderstanding between the Petitioner and the Informant. He further contended that the Informant does not want to pursue this case anymore. It was also contended that an affidavit has also been filed by the Informant indicating the aforesaid facts. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and condition which the Petitioner undertakes to abide by while on bail.

5. Learned counsel for the State on the other hand contended that the allegations made in the FIR are serious in nature. Learned counsel for the State opposed the release of the Petitioner in view of the grave and serious nature of allegation made against the Petitioner. Therefore, he submitted that the prayer for bail of the Petitioner be rejected at this juncture.

6. Learned counsel for the Informant on the other hand referred to the affidavit dated 09.07.2024 filed before the learned Court today and submitted that the Informant is no more interested in the present case and wants to have a cordial relation with the Petitioner. On such ground, learned counsel for the Informant submitted that the Informant will have no objection in the event the Petitioner is released on bail.

7. Having heard the learned counsels appearing for the respective parties and on careful consideration of the surrounding facts as well as materials on record, further taking note of the affidavit sworn by the Petitioner before the learned Court, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.35,000/- (Rupees Thirty Five Thousand) with two local solvent sureties each for the like

amount to the satisfaction of the learned court in seisin over the matter.

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

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 22-Jul-2024 11:00:59