IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.7213 OF 2024

Shiba Kadraka .... ***Petitioner***

Represented By Adv.
-Mr. Arijeet Mishra

-versus-

State of Odisha .... ***Opposite Parties,***

Represented By Adv.
-Ms. Babita Kumari Sahu, AGA.

CORAM:
HON'BLE MR. JUSTICE A.C. BEHERA

ORDER

Order No. **13.12.2024**

05. 1. This matter is taken up through hybrid arrangement (Virtual/ Physical) mode.

2. This bail application Under Section 483 of the BNS, 2023 has arisen out of G.R. Case No. 573 of 2024 in connection with Bandhugaon P.S. Case No.53 of 2024 pending in the Court of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Jeypore is taken up for consideration.

3. Heard from the learned Counsel for the Petitioner and the learned Additional Government Advocate for the State, as the victim/ Informant did not choose to participate in the hearing of the bail application inspite of service of notice.

4. The Petitioner is in jail custody since 07.06.2024 having been implicated under Section-366/376(2)(n)/376(3)/498-A/323/506 of the Indian Penal Code read with Section 4(2)/6 of the POCSO Act on the allegations alleged against him that, while Informant (victim) was minor, and aged about 16 years, at that time, the Petitioner had kidnapped her (Informant) in the year 2021 and thereafter, the marriage of the Petitioner and the victim was solemnized and after marriage, they (Petitioner and

victim) led their conjugal life for three years and while the victim was leading her conjugal life with the Petitioner, during that time, the Petitioner subjected the victim to torture demanding dowry and when the tortures of the Petitioner on the victim became untolerable, then, she (victim) went away to her parents' house and lodged F.I.R.

Basing upon such F.I.R., the case was registered, and investigation was started.

5. During investigation, the Petitioner was arrested on 07.06.2024 and was forwarded to the Court after being booked with the aforesaid offences and since then, he (Petitioner) is in jail custody.

6. When the Petitioner is in jail custody since 07.06.2024, and when the Petitioner and the victim both had led conjugal life for three years as husband and wife and when due to matrimonial discord between the Petitioner and the victim, F.I.R. was lodged by the victim after leaving the house of the Petitioner, then, by taking the aforesaid factors into account, I find no justification to disallow the prayer for bail of the Petitioner.

Therefore, the bail application filed by the Petitioner is allowed.

He (Petitioner) is allowed to go on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with conditions that:-

(i) he (Petitioner) shall not involve with similar nature of crime in future.

(ii) he (Petitioner) shall remain present personally on each date of adjournment of the case before the trial Court till its conclusion.

(iii) he (Petitioner) shall not terrorize, coerce, influence or threat any witnesses of the prosecution including the victim/informant, and her family members either directly or indirectly in any manner whatsoever at any stage of the proceeding of the case, but, in case of his failure to comply any of the aforesaid conditions, the learned Court in seisin over the matter is authorized to cancel his bail order outrightly without seeking any permission for the same from this Court.

7. Accordingly, the bail application of the Petitioner is disposed of finally.

It is made clear that, the observations made above in this bail order shall never influence the Trial Court in any manner, because the observations made in this bail order are limited for the purpose of bail only.

8. Grant certified copy of this order to the petitioner on proper application.

(A.C. Behera),
Judge.

Narayan

Signature Not Verified
Digitally Signed
Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 13-Dec-2024 18:20:32