

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.4 of 2023

Somanath Jena

....

Appellant

Mr. S. R. Rout, Advocate

-versus-

State of Odisha & another Respondents

Mr. P. B. Tripathy

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
31.01.2023**

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the appellant and learned counsel for the State.

Pursuant to the order dated 16.01.2023, the notice has been made sufficient and the victim, who is the informant in this case remained present in the V.C. cabin of this Court and she was heard with the assistance of Mrs. Susamarani Sahoo, learned Addl. Standing Counsel for the State.

This is an appeal under section 14-A(2) of the S.C. & S.T. (PoA) Act, 1989 in connection with Nayapalli P.S. Case No. 477 of 2021 corresponding to T.R. Case No.450 of 2021 pending in the file of Addl. Sessions Judge,

Bhubaneswar for the commission of offences under sections 376(2)(n)/313/294/506/354-C of the Indian Penal Code read with sections 3(1)(r)/3(1)(s)/3(2)(v)/3(2)(va) of the S.C. & S.T. (PoA) Act and sections 66(C), 66(D) and 66(E) of the Information Technology Act.

The application for bail of the appellant has been rejected by the Addl. Sessions Judge, Bhubaneswar as per order dated 15.11.2022.

Learned counsel for the appellant submits that the appellant is in judicial custody since 13.10.2021 and he has been charge sheeted under sections 376(2)(n)/313/294/506/354-C of the Indian Penal Code read with sections 3(1)(r)/3(1)(s)/3(2)(v)/3(2)(va) of the S.C. & S.T. (PoA) Act and sections 66(C), 66(D) and 66(E) of the Information Technology Act. He further submits that the victim has already been examined in the learned trial Court as P.W.2 and nine more witnesses are to be examined as per the charge sheet and the victim appears to be a consenting party and the appellant is ready and willing to marry the victim and therefore, the bail application may be favourably considered.

Learned counsel for the State opposed the prayer for bail and placed the evidence of the victim.

Mrs. Susamarani Sahoo, learned Addl. Standing Counsel for the State ascertained from the victim about her willingness to marry the appellant, who refused to

marry on the ground that she has been humiliated in the public esteem as the appellant made her nude photographs viral in the social media.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of accusation and the evidence of the victim, I am not inclined to release the appellant on bail. However, the learned trial Court shall do well to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order. The appellant is at liberty to renew his prayer for bail if the trial is not concluded within the said period.

Learned counsel for the appellant submitted that the appellant is prosecuting his studies. If any such study materials are required and the appellant makes necessary arrangement for the same, the jail authority shall see that there should not be any hindrance for the appellant in prosecuting his studies inside jail.

The CRLA stands disposed of.

The order be communicated to the learned trial Court forthwith.

Let a free copy of the order be handed over to the learned counsel for the State for necessary communication to the Superintendent of the concerned jail.

(S.K. Sahoo)
Judge

