

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1148 of 2022

Samir Kumar Parida* *Appellant

Mr. Dharanidhar Nayak
Senior Advocate

-versus-

State of Odisha & another* *Respondents

Mrs. Susamarani Sahoo
Addl. Standing Counsel

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

**ORDER
09.03.2023**

Order No.

03.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Learned counsel for the State submitted that notice on the informant is sufficient.

None appears on behalf of the informant.

Heard Mr. Dharanidhar Nayak, learned Senior Advocate for the appellant and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with Special Case No.55 of 2022 arising out of Chandipur P.S. Case No.61 of 2022 pending in the Court of learned Presiding Officer, Special Court (S.C. & S.T.), Balasore for offences punishable under sections 376/417/313 of the Indian Penal Code read with sections 3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Presiding Officer, Special Court (S.C. & S.T.), Balasore which was rejected on 01.12.2022.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 20.06.2022 and his earlier bail application in CRLA No. 531 of 2022 was rejected as per order dated 19.09.2022 and liberty was given to the appellant to renew his prayer for bail after examination of the victim in the learned trial Court. Learned counsel further submitted that in the meantime the victim, who is aged about twenty seven years has been examined as P.W.2 in the learned trial Court and she stated about her love affairs with the appellant from November 2020 till the month of March 2022 and she further stated about the appellant providing her preventive pills for avoiding conception during their relationship. Learned counsel further submitted that even though it is stated by the victim that the relationship between them was video recorded in a lodge, but no such video has been seized during the course of investigation and therefore, the bail application of the appellant may be favourably reconsidered.

Learned counsel for the State on verification of the case records does not dispute that no video has been seized during the course of investigation. She fairly submitted that there is no such offence to attract the ingredients of the Information Technology Act against the appellant as per the charge sheet.

Perused the evidence of the victim.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the appellant in judicial custody, the change in the circumstances after rejection of the earlier bail application of the appellant, I am inclined to reconsider the prayer for bail and direct release of the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall not keep any contact either with the victim or any of the prosecution witnesses, shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

The CRLA is accordingly disposed of.

Issue urgent certified copy on proper application.

(S.K. Sahoo)
Judge

PKSahoo