

(2021) 12 OHC CK 0145
In the Orissa High Court
Case No : Criminal Appeal No. 563 Of 2021

Bhopal Patra

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 22-12-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(1)(r)(s)(w), 3(2)(va), 14A(2)

Indian Penal Code, 1860 — Section 323, 376(2)(n), 417, 450, 506

Citation : (2021) 12 OHC CK 0145

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : S.J. Mohanty, S.N. Mishra

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. S.J. Mohanty, learned counsel for the Appellant and Mr. S.N. Mishra, learned Additional Government Advocate.

2. Mr. Mishra submits that notice has been made sufficient on respondent no.2 through police on 10th April, 2021.

3. This appeal under Section 14(A)(2) of SC & ST (POA) Act is for grant of bail to the appellant Bhopal Patra in connection with C.T. (Special) Case No.51 of 2020 arising out of Bhatli P.S. Case No.236 of 2020 pending in the file of learned Sessions Judge-cum-Special Judge, Bargarh for alleged commission of offence under Sections 417/376(2)(n)/323/506/450 of the Indian Penal Code read with Section 66(E)/67/67(A) of I.T. Act and Section 3(1)(r)(s)(w)/ 3(2)(v)(va) of SC and ST (POA) Act.

4. It is submitted on behalf of the appellant that he is inside custody since 17th December, 2020 and in the meantime investigation being completed charge-

sheet has already been submitted. It is further submitted that as per the allegation, there was promise to marry, and so far allegations regarding making viral of the objectionable photographs are concerned, the same are only joint photographs of the Appellant and the victim.

5. After hearing learned counsel for the State and considering the circumstances of the case as well as the statement of the victim recorded under Section 164 Cr.P.C. and the nature of materials surfaced in course of investigation, it is directed to release the appellant on bail in the aforesaid case on such terms and conditions to be fixed by the learned court in seisin over the matter including the condition that, the appellant shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the Court or tamper with the evidence.

6. The CRLA is accordingly disposed of.

7. An urgent certified copy of this order be issued as per rules.

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