
(2021) 12 OHC CK 0134
In the Orissa High Court
Case No : Criminal Appeal No. 535 Of 2021

Bikash Kumar Rath

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 21-12-2021

Acts Referred:

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(2)(v), 14A(2)

Citation : (2021) 12 OHC CK 0134

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : B. Ch. Parija, K.K.Nayak

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

CRLA No.535 of 2021 & I.A. No.1358 of 2021

1. This matter had been listed on 09.12.2021. On that date, respondent no.2 had appeared in person in Court and objected to grant bail to the appellant stating that the appellant had taken advantage of her, kept relationship with her and subsequently refused to marry her on account of her caste and that she is still interested to marry the appellant. Learned counsel for the appellant had also been directed to obtain instruction as to whether the appellant is willing to marry respondent No.2 and therefore the matter had been adjourned to 13.1.2022.

2. I.A. No.1358 of 2021 has been filed for early listing of the case. The affidavit in the I.A is sworn to by Bikram Kishore Rath, the father of the appellant. It has been stated in the I.A. that the appellant is willing to marry the victim girl and as the appellant is a defence employee and serves as GNR (TA) in the army, he has prayed for early listing of the case. The I.A is allowed and the case is taken up today.

3. Heard Mr. B. Ch. Parija learned counsel for the appellant and Mr. K.K.Nayak learned counsel for the State through physical mode as they are both present in Court.

4. This is an appeal under Section 14-A (2) of S.C. & S.T. (POA) Act, 1989 in connection with C.T. Case No.126 of 2020 corresponding to Banki P.S. Case No.178 of 2020 pending in the Court of learned Presiding Officer, Special Court under the S.C. & S.T. (POA) Act, Cuttack for commission of offences punishable under various Sections of the Penal Code read with Section 3 (2) (v) of S.C. & S.T. (POA) Act.

The appellant had moved an application for bail before the Court of learned Presiding Officer, Special Court under the S.C. & S.T. (POA) Act, Cuttack which was rejected on 29.09.2021.

5. The prosecution allegations in brief are that the appellant kept relations with the victim girl with the promise of marriage. On 30.06.2020, she arrived at Siminipur and from that place the appellant took her to his friends house where the appellant told her that he would talk with his parents about their marriage. On 2.7.2020 he took her to Angul and told her that he will marry her and will take her to his service place. Brother of the respondent No.2 saw them and took them to their house and told the appellant to marry her. The relatives of the appellant abused her in filthy languages and threatened her to return to her house and on 3.6.2020 the brother-in-law of the appellant left her near Banki post office from where she came to her house and subsequently lodged the F.I.R.

6. Mr Parija, learned counsel for the appellant submits that the appellant is interested to marry the victim girl and his family members are also willing to accept her as their daughter in law and he may be released on bail so that he can marry the victim girl and also join his service.

7. Mr. Nayak learned Additional Standing Counsel states that once the Appellant is released on bail, he is likely to abscond and evade arrest and the submission regarding marriage has been made for the purpose of obtaining bail.

8. Considering the submissions of the learned counsels, the averments in the I.A., and the fact that the appellant is interested to marry the Respondent No 2 and the appellant and respondent No 2 are both major, I consider this to be a fit case to release the appellant on interim bail for a period of three months to enable him to marry the Respondent No.2.

9. Let the appellant-Bikash Kumar Rath be released on interim bail for a period of three months from the date of his release in connection with Banki P.S. Case No.178 of 2020 corresponding to C.T. Case No.126 of 2020 by the learned court in seisin over the matter, on such terms and conditions as the learned court below may deem fit and proper including the following conditions:

i) One of the bailors will be his father Bikram Kishore Rath.

ii) The appellant shall surrender before the learned court below immediately, on expiry of the period of interim bail.

10. Before the next date of listing, affidavit alongwith proof of marriage shall be filed by the Appellant. If considered necessary, the presence of Respondent No 2 may be directed for.

List the case in the week commencing 14th March, 2021.

11. I.A No. 1358 of 2021 is disposed of.

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