

04. 12.06.2020

In view of extraordinary situation arose out of COVID-19 lockdown, the matter is taken up through video conferencing.

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

The petitioner being in custody in connection with Boudh P.S Case No.22 of 2020 corresponding C.T Case No.83 of 2020 pending in the court of the learned S.D.J.M., Boudh for the alleged commission of offence under Sections 452/354(B)/294/307/506/379/34 of I.P.C has prayed for his release on bail.

It is alleged that on 31.01.2020, the present petitioner forcibly entered into the house of the informant and misbehaved with the informant. It is further alleged that the present petitioner had one-sided love with the daughter of the informant and in that context, he had also attempted to kidnap the daughter of the informant on the point of the deadly weapons. The petitioner also tried to assault the informant as well as his family members for which they sustained injuries on their body and further gave threaten to the informant for killing.

It is submitted by the learned counsel for the petitioner that the present petitioner had love affairs with the daughter of the informant and on her call, the petitioner came to the house of the informant but on the fear of the informant, the victim did not act upon her stand. It is further submitted that the petitioner had never assaulted the informant as well as any of her family member but in order to harass the present petitioner, the informant as well as the victim made a motivated allegation in the F.I.R and in the statement recorded under Section 161 Cr.P.C. It is also submitted that the petitioner threatened the informant and her family members but there were no sign of bodily injury on any part of the victim or her family members.

It reveals that no prima facie case is made out against the name of the present petitioner. Moreover, the basic ingredients of the offences alleged are not made out. Rather, it is found that they were well-known to each other and stated to have intimacy between them. The marriage proposal was in currency between the petitioner and the victim.

Considering the submissions made, the facts and circumstances of the case and the period of detention, it is directed that the petitioner may be enlarged on bail on some stringent terms and conditions as deemed just and proper by the learned S.D.J.M., Boudh with further condition that the petitioner shall plant 100 saplings in his village within three months from the date of his release. In proof, the petitioner has to show the same to the I.O of the concerned P.S. who in turn will inform before the trial Court regarding such compliance.

The Bail Application is accordingly disposed of.

As Lock-down period is continuing for COVID-19, learned counsel for the petitioner may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587 dated 25.3.2020.

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**S. K. Panigrahi, J.**

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