

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 858 of 2022

***Bapi @ Priya Ranjan
Baliarsingh***

....

Petitioner

Mr. Manas Chand, Advocate

-Versus -

State of Odisha

....

Opposite Party

*Mr. A.Pradhan,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
02.05.2022**

Order No.

5.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 22.12.2021 in connection with Jatni P.S. Case No.201 of 2020 corresponding to G.R. Case No. 223 of 2020 pending in the Court of learned J.M.F.C., Jatni for the alleged commission of offence under Sections 452/363/368/341/344/506/384/376-D,120-B/34 of IPC.
4. The allegation is that the petitioner being associated with another person abducted the victim and took her to Mangalore where he repeatedly committed sexual intercourse on her against her will. The FIR was lodged five months after the occurrence. That apart, there is material variance between the statement of the victim as recorded under section 161 Cr.P.C. and 164 Cr.P.C.

5. Considering the materials as above, and taking into account the period of detention in custody as also statement of the victim, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that (i) the petitioner shall not abuse or threaten the victim in any manner whatsoever, (ii) he shall personally appear before the trial court on each date of posting of the case, failing which, necessary order shall be passed to take him into custody again.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

Prasant