

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1255 of 2022

Bapuni @ Prasanta Nayak @ Naik ***Petitioner***
Mr. A.K. Sahoo, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. G.R. Mohapatra, S.C.

CORAM: JUSTICE S.K. PANIGRAHI

ORDER
29.04.2022

Order No.

02. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner being in custody in Badambadi P.S. Case No.58 of 2017 corresponding to G.R. Case No.36(A) of 2017, pending in the court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Cuttack has filed this petition under Section 439 of the Cr.P.C. for his release on bail. The offence alleged against him is punishable under Sections 363, 376-D of the IPC read with Sections 4, 6 and 14 of the POCSO Act and Section 67 of the I.T. Act.
4. The prosecution case, as narrated in the FIR, is that on 18.03.2017, one Jaya Naik of Khuntuni was in love with Rashmita Jena, the daughter of the informant. He kept physical relation with her and recorded the video of committing rape on her and showed the same to the informant and his friends. He threatened the informant's son-in-law Anu Samal to withdraw the previous case

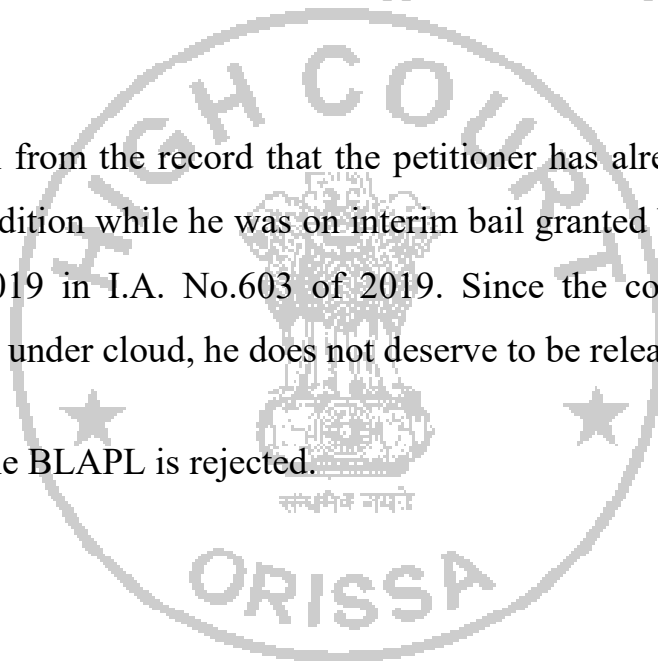
from the police station or else to viral the video and to commit similar offence on the elder daughter of the informant.

5. Learned counsel for the petitioner submits that the petitioner is a daily labourer and has been falsely roped in the case. He further submits that the petitioner has been languishing in custody since 20.03.2017. The allegation against the petitioner is omnibus in nature and it does not disclose any specific overt act against him.

6. Learned counsel for the State opposes the bail prayer of the petitioner.

7. It is seen from the record that the petitioner has already violated the bail condition while he was on interim bail granted by this Court on 15.05.2019 in I.A. No.603 of 2019. Since the conduct of the petitioner is under cloud, he does not deserve to be released on bail.

8. Hence, the BLAPL is rejected.



(S.K.Panigrahi)
Judge

pcd