

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1449 of 2022

Ghanashyam Bhoi

....

Petitioner

Mr. Dharendra Kumar Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Muduli, Addl. Govt. Advocate

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
08.07.2022**

04. 1. This is an application under Section 439 Cr.P.C. to release the Petitioner on bail in connection with Lakhanpur P.S. Case No.99 of 2020 corresponding to C.T. (Sessions) No.31 of 2020, arising out of C.T. Case No.1458 of 2020, pending in the Court of learned Addl. Sessions Judge, Jharsuguda.
2. The present Applicant has been charged with the offence under Section 376 read with Section 34 IPC. The role attributed by the prosecution to the present Applicant is that he facilitated the criminal act by gagging the mouth of the victim after which she was taken away and the rape was committed by the co-accused.
3. The Court has perused the deposition of the victim where the role attributed by her to the present accused is consistent with the story of the prosecution. Although learned counsel for the Petitioner points out to the statements in para 9 of the deposition, where it appears that the victim stated before the Court that she was

deposing on the instructions of a lady who accompanied her from the shelter home, the Court would not like to express any view thereon at this stage as the trial is still in progress. In fact, Mr. Muduli, learned Addl. Government Advocate states that of the 35 prosecution witnesses, 15 have been examined including the victim.

4. The Petitioner has been in custody since 12th June, 2020. He is not shown to have any criminal antecedents.

5. In the above circumstances, the Court directs that the Petitioner be enlarged on bail in connection with the aforementioned case subject to satisfaction of the trial Court and the terms and conditions to be imposed by it.

6. The BLAPL is disposed of. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

S.K. Jena/Secy.