

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1830 of 2022

Nakula Digal

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

Opposite Party

Mr. G.R. Mohapatra, A.S.C.

CORAM: MR. JUSTICE S.K. PANIGRAHI

ORDER

16.05.2022

Order No.

01. 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 is an accused in S.T. Case No.08 of 2021 corresponding to Tumudibandh P.S. Case No.62 of 2020 on the file of learned Special Judge-cum-Addl. District Judge, Balliguda for commission of offence under Sections 376(2)(n)/506 of the Indian Penal Code. He has filed this petition for bail.
4. As per allegation of the F.I.R., it reveals that the victim, who is 19 years married girl, had gone to Kurtamgarh for shopping and after shopping when she waited for vehicle to return to her village, at that time, the petitioner was returning on that way by his Motor cycle. Seeing her alone, he stopped his motor cycle and asked her to drop at her village. Thereafter, she went with him as she had prior acquaintance with the petitioner. On the way, near Batadimunda Chhak the petitioner halted his vehicle to attend the call of nature. After some time, the petitioner came nearer to the victim and forcibly took her to the jungle

and committed rape on her. He also threatened her not to disclose the matter to anybody. Out of fear, she went to her house and remained silent for some time. After some days, the victim disclosed the matter to her grand father and with the help of local villagers she reported the matter at the Police Station.

5. Learned counsel for the petitioner submits the petitioner is in custody since 09.08.2020 and charge-sheet has been filed. The allegations made against the petitioner are fabricated. So, the bail petition may be allowed.

6. Learned counsel for the State opposes the bail prayer of the petitioner on the ground that the alleged offence committed by him is serious in nature.

7. Considering the aforesaid facts and submission and the gravity of the offence allegedly committed by the petitioner, I am not inclined to grant bail to the petitioner. Hence, the BLAPL is rejected.

8. However, the learned trial Judge is directed to conclude the trial within a period of four months from today. In case the trial is not completed, the petitioner is granted liberty to approach the Court afresh for bail.

(S.K.Panigrahi)
Judge