

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1834 of 2022

Kuna@Nabin Kumar Pradhan ***Petitioner***
Mr. D. Panda, Advocate on behalf of Mr. D.K. Mohapatra,
Advocate

-versus-

State of Orissa ***Opposite Party***
Mr. K. Das, A.S.C.

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
22.07.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.376-D/366, I.P.C.
2. Heard Mr. D. Panda, learned counsel, on behalf of Mr. D. K. Mohapatra for the Petitioner as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party.
3. It is submitted on behalf of the Petitioner that he is inside custody since 13.7.2019 and till date trial has not commenced. It is further submitted that the other co-accused, namely, Khageswar Naik, who is standing on the same footing with the present Petitioner, has been granted bail by another coordinate Bench of this Court in BLAPL No.5186 of 2020. It is also submitted that the statement of the victim about rape committed on her by the present Petitioner is not supported by her daughter and grand-son, who allegedly rescued her.

4. On the other hand, Mr. Das, learned Additional Standing Counsel for the State-Opposite Party submits that the victim is a woman aged about 65 years and therefore, her statement could not be disbelieved for absence of any corroboration either through the statement of the witnesses or by medical evidence.

5. Upon hearing both parties and considering the fact that the co-accused has been released on bail and the present Petitioner is standing on the same footing with the said co-accused as well as the period of detention of the Petitioner inside custody and non-commencement of trial till date, it is directed to release the Petitioner on bail in connection with Bargaon P.S. Case No.101/2019 corresponding to S.T. Case No.130/2019 on such terms and conditions to be fixed by the learned Sessions Judge, Sundargarh as he deems just and proper including the condition that the Petitioner shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the court or tamper with the evidence and shall attend the trial court on each date fixed.

6. The BLAPL is disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge