

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2459 of 2022

Rajendra @ Babu Nayak

.... Petitioner

Mr. P.K. Behera, Adv.

-versus-

State of Odisha

.... Opposite Party

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

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

Order No.

16.05.2022

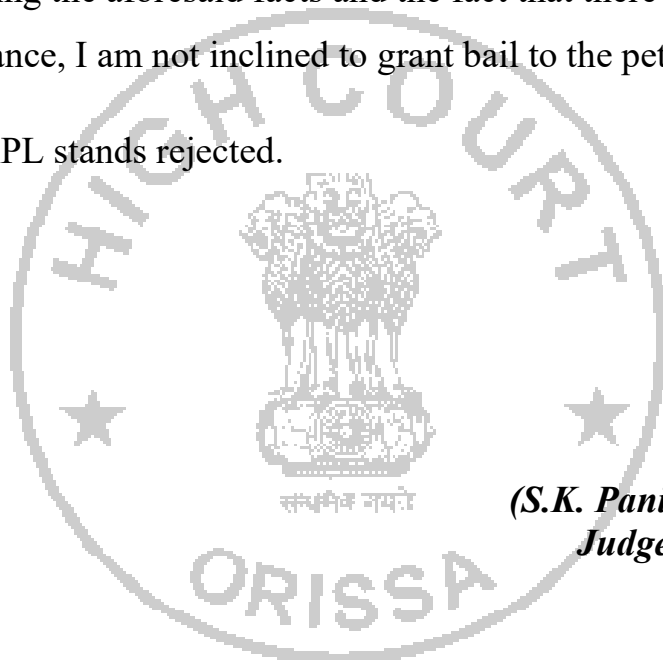
- 01.** 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The Petitioner being in custody in connection with Odagaon P.S. Case No. 142 of 2020 corresponding to S.T. Case No. 95 of 2020, pending before the court of the learned Additional Sessions Judge, Nayagarh for the commission of offences under Sections 457, 394, 376-D and 506/34 of the Indian Penal Code, has filed this application under Section 439 of CrPC for his release on bail.
4. The prosecution story, in brief, is that on 17.06.2020, while the informant was asleep, the petitioner along with one Birendra Behera entered into her house. Then, they sexually assaulted her and strangulated her. They took away the informant's gold ornaments and fled from the spot.
5. Learned counsel for the petitioner submits that the investigation of the case has been completed and the charge-sheet has been filed.

Further, the medical examination report of the informant does not indicate the alleged sexual assault. The petitioner is a daily wage labourer and happens to be the sole breadwinner for the family. Moreover, the petitioner has been languishing in custody since 20.06.2020.

6. Learned counsel for the State vehemently opposed the bail prayer of the Petitioner on the ground that this is case of gang rape.

7. Considering the aforesaid facts and the fact that there is no change in circumstance, I am not inclined to grant bail to the petitioner.

8. The BLAPL stands rejected.



(S.K. Panigrahi)
Judge

PCD