

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2725 of 2022

Tapan Mallik

....

Petitioner

Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

26.08.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Special G.R. Case No.920 of 2014 arising out of Jajpur Road P.S. Case No.415 of 2014 pending in the Court of learned Adhoc Additional Sessions Judge (FTSC), Jajpur for offences punishable under sections 449/376(2)(i)/506 of the Indian Penal Code read with section 4 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Adhoc Additional Sessions Judge (FTSC), Jajpur, which was rejected on 06.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 07.12.2014 and when last time he approached this Court for bail in BLAPL No.2839 of 2020, he was granted interim bail for a period of two weeks as per the order dated 01.02.2021 on the ground of ailment of the wife and after availing the same, he surrendered at right time. Pointing out to the further cross-examination of the victim, who has been examined as P.W.1 in the trial Court, it is submitted that she has stated that the person who is standing in the dock (petitioner) is not the culprit, who committed rape on her and that she knew the petitioner as he is a co-villager and after the incident, she had not mentioned the name of the petitioner to her parents. Learned counsel further submitted that in view of such statement made by the victim in the further cross-examination and the change in the circumstances after rejection of the earlier bail application and the period of detention of the petitioner in judicial custody, the bail application of the petitioner may be favourably reconsidered. Learned counsel for the petitioner filed the certified copies of depositions, which are taken on record.

Learned counsel for the State after going through the evidence of the victim fairly submitted that the victim in the further cross-examination has given a clean chit to the petitioner.

Considering the submissions made by the learned

counsel for the respective parties, the progress of the trial so far, the period of detention of the petitioner in judicial custody and further taking into account the statement of the victim in the further cross-examination and the conduct of the petitioner in complying with the order of the interim bail granted in his favour, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge