

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2727 of 2022

Raj Kishore Bhoi

.... ***Petitioner***
Ms.A.Ray, Advocate

- versus -

State of Odisha

.... ***Opp.Party***
Mr.P.K.Mohanty, ASC

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
19.5.2022

Order No.

1.

1. Heard Ms.Ray, learned counsel for the Petitioner and Mr.Mohanty, learned Additional Standing Counsel for the State.

2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner in connection with C.T.Case No.141 of 2020 arising out of Nayapalli P.S.Case No.648 of 2019 pending in the court of the learned Additional Sessions Judge, Bhubaneswar for alleged commission of offence under Sections 450/376(2)(n)/506 of the I.P.C.

3. It is submitted that the Petitioner is inside custody since 8.2.2020 and earlier while rejecting his prayer for bail, this Court by order dated 23.11.2021 granted liberty to the Petitioner to renew his prayer after examination of the victim in course of trial. It is further submitted that in the meantime despite repeated service of summons on the victim and repeated directions to the I.O. and the prosecution to procure her attendance, she did not

appear before the learned trial court for recording her evidence, which is clearly visible from the order-sheet of the trial court under Annexure-4 series. It is further submitted that in the meantime five witnesses have been examined but trial is lingering awaiting evidence of the victim.

4. Upon hearing learned Additional Standing Counsel for the State and perusal of the copy of the statement of the victim recorded under Section 164 Cr.P.C. as produced in course of hearing by the counsel for the Petitioner and considering the circumstances of the case as well as the fact of delay in trial, it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions to be fixed by the learned court below in seisin over the matter, including the condition that he 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.

5. The BLAPL is disposed of.

6. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge