

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2894 of 2022

Antaryami Gardia

....

Petitioner

Mr. B.K.Ragada,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.4.2022.

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 22nd November, 2021 in connection with Belpahar P.S. Case No.225/2021 corresponding to C.T. Sessions Case No.13/2022 pending in the court of learned Addl. Sessions Judge, Jharsuguda for the alleged commission of the offence under Sections 376(2)(n)/323/506 of I.P.C.

4. Though the allegation against the Petitioner was that he had raped the victim, yet the victim being examined as a witness in the ongoing trial before the court below and has resiled from the allegations made in the F.I.R. and on the contrary has categorically deposed that she and the accused were living as husband and wife and because of an altercation between them, she had lodged the F.I.R.

5. Having regard to the fact that the victim herself does not support the case of the prosecution as also taking into consideration the period of detention in custody, I am inclined to allow the prayer for bail.

6. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the court below on each date of posting of the case without fail.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

