

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2897 of 2022

Rakesh Behera

.... ***Petitioner***
Mr. B.K. Bal, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
Mr. S.R. Roul, A.S.C.

**CORAM:
JUSTICE G. SATAPATHY**

ORDER
08.12.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Mahanga P.S. Case No.200 of 2021 corresponding to Spl. G.R. Case No. 115 of 2021 pending in the file of learned Additional Sessions Judge-cum-Special Judge under POCSO Act, for commission of offences punishable U/Ss. 342/376/511/354-B/354-C/323/506/34 of IPC, r/w Section-8 of POCSO Act, on the allegation of committing Gang Rape and aggravated penetrative sexual assaulted upon the victim by confining her in a room and secretly video-graphed the incident and subsequently got the video footage viral.
 3. In the course of hearing of the bail application, Mr. B.K. Bal, learned counsel for the Petitioner submits that the Petitioner has been falsely implicated in this case and there is no iota evidence against the Petitioner for commission of Gang Rape upon the victim. It is further submitted that there was love relationship between the

Petitioner and the victim, but the victim has falsely implicated the Petitioner on account of some dissensions between them. It is further submitted that the Petitioner having detained in custody since 11.09.2021 and charge-sheet having already submitted in this case, he may kindly be released on bail.

4. On contrary, Mr. S.R. Roul, learned Additional Standing Counsel submits that the allegation against the Petitioner is not only serious but also diabolical and the allegation appearing against the Petitioner does not entitle him to the benefit of bail.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner as also the gravity of offences alleged and taking into consideration the specific allegation against the Petitioner for committing rape upon the victim and getting the video footage of such occurrence viral and taking into consideration the other circumstances on record in entirety, this Court considers it undesirable to grant bail to the Petitioner.

6. Hence, the bail application of the Petitioner stands rejected.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge