

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2939 of 2022

Bhanu @ Goutam Dalai

.... ***Petitioner***
Mr. A. K. Jena, 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 Bhograi P.S. Case No.80 of 2018 corresponding to Special Case No.200 of 2020 of the Court of learned Special Judge-cum-Additional Sessions Judge-1, Bhadrak for commission of offences punishable U/Ss. 363/366-A/376 (2) (n) and 34 of IPC and r/w Sec. 6 of POCSO Act, on the allegation of committing rape and aggravated penetrative sexual assault upon the victim by kidnapping her.
 3. In the course of hearing of the bail application, Mr. A.K. Jena, learned counsel for the Petitioner submits that the Petitioner is an innocent person and he has not committed any crime. It is further submitted that in case the prosecution allegations are taken to be true, no offence under section 376 (2) (n) or Section 6 of POCSO Act is made out against the Petitioner. It is further submitted that the victim was aged about more than 18 years at the relevant of time of occurrence and further the Petitioner and the victim were in love relationship with each other. Learned counsel for the Petitioner also submits that the Petitioner is in custody since 11.09.2021 and in the meantime, more than a year has elapsed, but the trial

is yet to progress. On the aforesaid submissions learned counsel for the Petitioner prays to enlarge the Petitioner on bail.

4. On the contrary, Mr. S.R. Roul, learned A.S.C. submits that the victim having been raped and sexually assaulted by the Petitioner, it would not be proper to grant bail to him.

5. Considering the rival submissions made, the nature and gravity of accusations raised against the Petitioner and keeping in view the pre-trial detention of the Petitioner in custody and regard being had to the statement of the victim and taking into account the other circumstances on record in entirety, this Court admits the Petitioner to bail.

6. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge