

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3580 of 2022

Dhiraj Kumar Pradhan

.... Petitioner

Mr. B.K. Sahoo, Advocate

-versus-

State of Orissa

.... Opp. Party

Mr. S.S. Pradhan, AGA

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
07.12.2022**

Order No.

- 06.
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 S.T. Case No.11 of 2022 corresponding to G.R. Case No.194 of 2019 arising out of G. Udayagiri P.S. Case No.70 of 2019 pending in the file of learned District and Sessions Judge, Baliguda, Dist-Kandhamal for commission of offences punishable under Sections 376(2)(n)/417/506 of IPC, on the allegation of committing rape upon the victim on the false promise of marriage and threatening her.
 3. In the course of hearing of the bail application, Mr. B.K. Sahoo, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and all the allegations levelled against the petitioner are frivolous and motivated and there is no iota of evidence that the petitioner is the father of the female child of the victim as per the DNA Report and the petitioner having already detained in custody

for near about one year, may kindly be released on bail. Further it is submitted by him that the allegation appearing against the petitioner is with regard to an occurrence of around six years back which itself belies the prosecution case and so far such allegation having not made immediate after the occurrence is also a circumstance to be taken into consideration for granting bail to the petitioner.

4. On the contrary, Mr. S.S. Pradhan, learned A.G.A. for the State while opposing the bail application of the petitioner submits that the petitioner has allegedly fathered a child but the allegation with regard to paternity test by way of collection of DNA sample of the dead fetus of the victim has not been done and, thereby, no reliance can be placed on such submission of the petitioner to grant bail.

5. Considering the rival submissions made, nature and gravity of the accusations raised against the petitioner and voluntary surrender of the petitioner after availing the interim bail as well as the pre trial detention of the petitioner since 08.11.2021 and taking into consideration the other circumstance on record in entirety, this Court admits the petitioner on 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.50,000/- (Fifty Thousand) 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

Subhasmita

