

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5008 of 2021

Pravata Kumar Bhuyan.

....

Petitioner

Mr. Subhasis Samal, Advocate

-versus-

State of Odisha.

....

Opposite Party

Addl. Standing Counsel – For the State

Mrs. Sujata Jena, Advocate – For the Informant

**CORAM:
JUSTICE S. PUJAHARI**

**ORDER
18.05.2022**

**Order
No.**

06. **1.** Apprehending his arrest in Marshaghai P.S. Case No.187 of 2021 corresponding to G.R. Case No.890 of 2021 registered under Sections 376(2)(d)(i), 370, 403, 406/34 of IPC in the court of the SDJM, Kendrapara, the petitioner has filed this application under Section 438 of Cr.P.C. seeking for pre-arrest bail.
- 2.** Heard the learned counsel for the petitioner, learned counsel for the State as well as the learned counsel appearing for the Informant.

3. As the F.I.R. reveals, the sister of the Informant suffers from mental disorder, and that her marriage had been solemnized in the year 2014. As her husband was jailed in a murder case, she used to stay in Nibedita Ashram, and during her stay there, she gave birth to a baby boy. It is alleged that subsequently she was subjected to rape and gave birth to another baby boy, and that the present petitioner and co-accused persons under whose influence the sister of the Informant had been left in the custody of aforesaid Ashram, misappropriated a sum of Rs.1,44,000/- which she had earned from working as House Keeper in Lutheran CCI and also they hatching a conspiracy sold away her sons. The investigation is reportedly left open under Section 173(8) of Cr.P.C. by the police, after submission of charge-sheet against a co-accused, namely, Kunjabihari Das.

4. It is the submission of the learned counsel for the petitioner that there being another FIR registered

at Marshaghai Police Station bearing P.S. Case No.183 of 2021 under Section 376 of IPC against one Jagannath Tripathy for alleged rape on the sister of the present Informant, and the children of the said woman having been given in adoption under due procedure of law as per the order of the District Judge, Kendrapara, and there being no material so far to connect the petitioner with the alleged crime, bail should be granted to him.

5. The learned counsel for the State as well as the learned counsel for the Informant have opposed to the application on the ground of the nature and gravity of the crimes.

6. As it appears, the victim in this case is a woman suffering from mental disorder, and she underwent the ill plight while taking shelter in a Charity Home. Investigation is still left open by police and there may be necessity of custodial interrogation of the accused-petitioner. In the facts and

circumstances and taking note of the gravity of the offences, this Court does not find it to be a fit case to grant pre-arrest bail to the petitioner.

7. Hence, the ABLAPL stands dismissed.

(S.Pujahari)
Judge

MRS

