

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4564 of 2022

Basanta Nayak @ Bhutu

.... ***Petitioner***
M/s. S.Mohanty, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.M.Mishra, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

24.11.2022

Order No.

- 02.
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 Keonjhar Sadar P.S. Case No.33 of 2022 corresponding to Special Case No.23 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Keonjhar for commission of offence punishable U/Ss. 363/366/376(3) of the I.P.C. read with Section 6 of POSCO Act on the allegation of kidnapping the victim girl and committing rape and aggravated penetrative sexual assault upon her.
 3. In the course of hearing of the bail application, Mr.S.Mohanty, learned counsel for the petitioner submits that the victim has not whispered a single word against the petitioner for commission of any offence and, thereby the petitioner may kindly be released on bail.
 4. On the contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner and prays to reject the bail application of the petitioner.
 5. Considering the nature and gravity of accusations, taking into consideration the statement of the victim recorded U/S. 164 of

Cr.P.C. and regard being had to the pre-trial detention of the petitioner since 09.03.2022 and keeping in view the other circumstance in entirety, this Court considers it proper to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bond of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

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. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge