

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4623 of 2022

Repa @ Rupendra Singh

.... ***Petitioner***
Mr. S. Behera, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE G. SATAPATHY

ORDER

29.11.2022

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 S.T. Case No.23/154 of 2021 arising out of Udala P.S. Case No.174 of 2021 pending in the file of learned Asst. Sessions Judge, Udala for commission of offences punishable under Sections 376(1)/506 of IPC, on the allegation of committing rape upon the victim widow lady and threatening her.
 3. In the course of hearing of the bail application, Mr. S. Behera, learned counsel for the petitioner submits that the petitioner is inside jail custody since 31.05.2021 and, in the meantime, victim has already been examined in this case and, therefore, there is hardly any chance of tampering the prosecution witness. It is further submitted by him that there is delay in lodging of FIR and the victim has never stated about the incident before anybody prior to lodging for FIR and this circumstance would go a long way to say about the innocence of the petitioner. On the aforesaid submissions, learned counsel for the petitioner prays to enlarge the petitioner on bail.

4. On the contrary, Mr. S.S. Pradhan, learned counsel for the State, however, strongly opposes the bail application of the petitioner by placing the statement of the victim.

5. Considering the rival submissions put forth, nature and gravity of the accusations as also the circumstance of commission of the crime and regard being had to the pre trial detention of the petitioner since 31.05.2021 and examination of the victim in the Court and regard being had to the fact that the object of bail is not punitive, this Court considers the bail application of the petitioner favourably.

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