

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No.418 of 2022**

***Prasanta Pattnaik* .... *Appellant***

*Mr.B.K. Mohanty, Advocate*

*-versus-*

***State of Odisha & another* .... *Respondents***

*Mr.Arupananda Das,  
Addl. Government Advocate  
Mr. Niranjana Singh(1) (for  
respondent no.2)*

**CORAM:  
JUSTICE S.K. SAHOO**

**ORDER  
01.08.2022**

**Order No.**

02. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the appellant, learned counsel for the State as well as learned counsel for the informant.

This is an appeal under section 374(2) of Cr.P.C. read with section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with C.T. Case No.105 of 2022 arising out of Tangi P.S. Case No.78 of 2022 pending in the Court of learned Presiding Officer, Special Court under the S.C. & S.T. (PoA) Act, Cuttack for offences punishable under sections 376(1), 376(2)(h), 506 of the Indian Penal Code read with sections 3(1)(w)(i)/ 3(2)(v)(va) of the S.C. &

S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Presiding Officer, Special Court under the S.C. & S.T. (PoA) Act, Cuttack, which was rejected on 26.04.2022.

Learned counsel for the appellant submits that the appellant is in judicial custody since 13.04.2022 and he has been charge sheeted under sections 376(1), 376(2)(h), 506 of the Indian Penal Code read with sections 3(1)(w)(i)/ 3(2)(v)(va) of the S.C. & S.T. (PoA) Act. It is further submitted that the appellant and the husband of the victim are two friends and they are drivers by profession and in the 164 Cr.P.C. statement of the victim, there is no allegation of rape committed by her and therefore, the ingredients of the offences under sections 376(1) and 376(2)(h) of the Indian Penal Code are not attracted and since the appellant is having no criminal antecedents, the bail application may be favourably considered.

Learned counsel for the State, on the other hand, placed the 164 Cr.P.C. statement of the victim and on verification of the case records submitted that the appellant is having no criminal antecedents.

Considering the submissions made by the learned counsel for the respective parties, the 164 Cr.P.C. statement of the victim in which she has not alleged anything regarding commission of rape by the appellant and the period of detention of the appellant in judicial

custody, I am inclined to release the appellant on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

The CRLA is accordingly disposed of.

Issue urgent certified copy of this order on proper application.

**( S.K. Sahoo )**  
**Judge**

PKSahoo