

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3900 of 2021

<i>Prasanta Swain @ Chila</i>		<i>Petitioner</i> <i>Mr.R.D. Mohapatra, Adv.</i>
	-versus-	
<i>State of Odisha</i>		<i>Opp. Party</i> <i>Mr.G.R. Mohapatra, ASC</i>

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER

11.07.2022

Order
No.

04. 1.This matter is taken up through hybrid mode.
2. Heard.
3. The petitioner being in custody in connection with T.R. No. 307 of 2020 arising out of Bolagarh P.S. Case No. 123 pending in the court of the learned Addl. Sessions Judge, Bhubaneswar running for the alleged commission of offence under Sections 450, 376(2)(1), 323, 506, 34 of IPC and Section-4 and 6 of the Protection of Children from Sexual Offence Act, 2012.
4. The prosecution story as per FIR, is that on 08.07.2020 night at about 1.00 AM, the petitioner namely, Prasanta Swain entered into her house and committed rape to her minor daughter who was mentally retarded daughter,

while she was alone. The family of the victim told this fact to Sarpanch and a meeting was convened but it turned out to be unfruitful.

5. Learned counsel for the petitioner submits that the petitioner has no connection with the alleged crime and entire case has been foisted against the petitioner only to harass and humiliate the petitioner. Meanwhile, charge sheet has already been submitted and the petitioner has been languishing in custody since 25.07.2020.

6. Learned counsel for the State vehemently opposes the prayer for bail.

7. Considering such facts and submissions made and the nature and gravity of the accusation, character of evidence appearing against the Petitioner, the stringent punishment provided, this Court is not inclined to grant bail to the Petitioner.

8. Accordingly, this BLAPL is dismissed.

9. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

SD