

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4970 of 2022

Bijaya Parida

..... Petitioner
M/s. B.K.Rath, Advocate

-versus-

State of Orissa

..... Opp. Party
M/s.P.K.Pattnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.11.2022

Order No.

BLAPL No. 4970 of 2022 & I.A. No. 2070 of 2022

- 08.
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 Banki P.S. Case No.90 of 2022 corresponding to S.T. Case No.148 of 2022 pending in the Court of learned 3rd Additional Sessions Judge, Cuttack for commission of offence punishable U/Ss. 376(2)(n)/323/294/506/34 of the I.P.C. on the allegation of committing rape upon the victim and threatening to take away her life.
 3. In the course of hearing of the bail application, Mr.B.P.Rath, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is no way connected with the commission of rape upon the victim. It is further submitted that even if, the materials are taken into consideration, no offence U/S. 376 of I.P.C. would be attracted against the petitioner since there involves consensual relationship between the petitioner and the victim and, therefore, the petitioner may kindly be enlarged on bail.
 4. On the contrary, learned counsel for the State, however, strongly opposes the bail application of the petitioner vehemently by

inter-alia contending that the victim was working in the house of the petitioner and she being a dumb girl and taking advantage of such disability, the petitioner had committed rape upon her and, therefore, the petitioner does not deserve to be released on bail.

5. On coming back to the record, it appears that the petitioner has also applied for interim bail on the ground of illness of his father and such illness stated in the I.A. reveals that the father of the petitioner had sustained some injuries in his toes and ankle and thereby, he is completely bed ridden but no medical document has been filed to support the illness of the father of the petitioner, besides there is serious allegations against the petitioner for committing rape upon a dumb girl and the petitioner was earlier granted interim bail but as he failed to surrendered in due time, N.B.W. was issued against him and thereafter, the petitioner surrendered to custody.

6. In view of the above facts and circumstance and taking into consideration the nature and gravity of accusations raised against the petitioner as also the gravity of offence and taking into account the specific allegation against the petitioner for ravishing a dumb girl, this court is not inclined to grant bail to the petitioner.

7. Hence, the prayer for bail of the petitioner stands rejected.

8. Accordingly, the BLAPL and I.A. stand disposed of.

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

(G. Satapathy)
Judge