

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4092 of 2021

Kunja Bihari Das

....

Petitioner

Mr. B.S.Dasparida
Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

01.8.2022.

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. As directed by this Court the victim was produced before Dr. M.R. Naik, Associate Professor of S.C.B. Medical College and Hospital, Cuttack to assess her mental stability. Though the Doctor advised her to stay for seven days for observation, the victim refused. There is no opinion expressed by the Doctor. Learned State counsel produced the statement recorded under Section 164 Cr.P.C. of the victim.

4. The Petitioner is in custody since 16th April, 2021 in connection with Marsaghai P.S. Case No.187/2021 corresponding to G.R. Case No.890/2021 pending in the court of learned S.D.J.M., Kendrapara for the alleged commission of the offence under Sections 376(2)(1)/294/506/109/34 of I.P.C.

5. It is alleged that the Petitioner committed rape on the victim at different points of time causing her to be pregnant. It is also stated that the Petitioner is a mentally challenged lady, who is said to have killed her own father and was therefore residing in an Ashram. The victim has also given birth to several children but it is not clear as to who are the biological fathers of such children. The statement of the victim recorded under Section 164 Cr.P.C. appears to be prima facie confusing and does not clearly attribute any specific overt act against the petitioner, save and except for describing multiple pregnancies.

6. Taking into account all the above facts, the materials on record, the period of detention in custody and the fact charge sheet has already been submitted, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear personally before the court below on each date of posting of the case without fail.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

