

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5216 of 2022

Raju @ Babajee Mahakud

....

Petitioner

M/s. G.N.Parida, Advocate

-versus-

State of Orissa & another

....

Opp. Parties

M/s.P.K.Patnaik, A.G.A.

Mr.S.Sahoo, Advocate for informant.

CORAM:

JUSTICE G. SATAPATHY

ORDER

20.12.2022

Order No.

- 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 Keonjhar Sadar P.S. Case No.107 of 2021 corresponding to Special Case No.34 of 2021 pending in the Court of learned Addl. Sessions Judge-cum- Special Judge, Keonjhar for commission of offence punishable U/Ss. 417/323/376(3)/506 of the I.P.C. read with Section 6 of POCSO Act and 3(2)(v)(va) of SC/ST(PA) Act on the allegation of committing rape and penetrative sexual assault upon the victim belonging to SC category.
 3. In the course of hearing of the bail application, Mr.G.N.Parida, learned counsel for the petitioner by filing the surrender certificate of the petitioner submits that the petitioner is a law abiding citizen and he has voluntarily surrendered before the learned trial Court after availing the interim bail and the informant has no objection for release of the petitioner on bail.
 4. Mr.Sunit Sahoo, learned counsel for informant submits that the victim has already married to the petitioner and they are residing

happily and, therefore, the informant has no objection for release of the petitioner on bail.

5. Mr.P.K.Patnaik, learned AGA however opposes the bail application of the petitioner.

6. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as well as the surrounding circumstances including the pre-trial detention of the petitioner since 09.04.2021 and the fact that the petitioner after availing the interim bail has voluntarily surrendered before the learned trial Court and taking into consideration other circumstance and the allegations on record in entirety, this Court admits the petitioner to bail.

7. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with.

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.

8. Accordingly, the BLAPL stands disposed of.

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

