

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4578 OF 2021

Somanath Mallik

..... ***Petitioner***
Mr. S.K. Das-2, Advocate

-versus-

State of Odisha

..... ***Opposite Party***
Mr. P. Mohapatra, ASC
Mr. P.S. Nayak, counsel for the
informant

CORAM:
JUSTICE V. NARASINGH

ORDER
17.05.2022

Order No.
05.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Special Case No. 16 of 2020 corresponding to Bhandaripokhari P.S. Case No. 152 of 2019, pending on the file of the Learned Special Judge, Bhadrak for the alleged commission of offence under Sections-363/376(2)(n)/294/506 of the IPC.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Special Judge, Bhadrak by Order dtd. 05.05.2021 in Special Case No.16 of 2020, the present BLAPL has been filed.

4. Heard Mr. S.K. Das-2, learned counsel for the petitioner, Mr. P. Mohapatra, learned Additional Standing Counsel for the State and Mr. P.S. Nayak learned counsel appearing for the informant.

5. Perused the 164 Cr.P.C. statement and the Medical Examination Report of the victim.

6. The Medical Examination Report corroborates the allegation of physical abuse. Taking into account such materials on record, this Court is not inclined to exercise its discretion under Section 439 Cr.P.C. against the petitioner. Hence the BLAPL stands rejected.

7. Accordingly, the BLAPL stands dismissed.

8. It shall be open for the petitioner to renew his prayer at a later stage after examination of the victim.

9. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*