

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5580 of 2022

Trinath Harijan

.... ***Petitioner***
M/s. R.L.Pattnaik, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

10.11.2022

Order No.

- 03.
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 Mathili P.S. Case No.67 of 2022 corresponding to G.R.Case No.64 of 2022 pending in the Court of learned J.M.F.C., Mathili for commission of offence punishable U/Ss. 376/506 of the I.P.C. on the allegation of committing rape upon the victim sleeping in the house along with her minor daughter by trespassing into her house in the dead of the night.
 3. In the course of hearing of the bail application, Mr.R.L.Pattanaik, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to political rivalry and he is no way connected with the commission of rape upon the victim. It is also submitted that the petitioner is inside judicial custody since 31.03.2022 and the F.I.R. was lodged after fourteen days of the alleged occurrence which by itself belies the prosecution allegations and the medical report of the victim does not make out a case for rape as no injury was noticed on the person of the victim as per her medical report. It is further submitted that charge sheet has

already been submitted in this case and the petitioner is a Government servant and he having not committed any offence, may kindly be enlarged on bail.

4. Learned counsel for the State in reply seriously opposes the bail application of the petitioner and he inter alia submits that delay in lodging of the F.I.R. is inconsequential in view of the fact that the petitioner had threatened the victim to kill her husband with the assistance of Naxalite and there was also a meeting in the village. It is further submitted that the none finding of injuries in the medical report of the victim is of no consequence since the victim was examined after fourteen days of occurrence but that per se could not falsify the prosecution case and the offence is not only against the victim but also against the society and it should be crushed with heavy hand. Learned counsel for the State under aforesaid submissions prays to reject the bail application of the petitioner.

5. Considering the rival submissions, the nature and gravity of accusations levelled against the petitioner and the medical report of the victim disclosing no external injuries on her person and regard being had to the pretrial detention of the petitioner since 31.03.2022 and the fact that charge sheet has already been submitted in this case and taking into consideration the status of the petitioner to be a Government Servant being employed as Life Stock Inspector and further the fact that no material is placed on record to indicate that the petitioner would abscond or tamper with prosecution witnesses if enlarged on bail, this Court considers the bail application of the petitioner favfourably.

6. 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 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 any reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

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

(*G. Satapathy*)
Judge

Kishore

