

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.4715 of 2021

Dilip Ghibela

.... ***Petitioner***
Mr. S.K. Mohanty, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
29.11.2022

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the second journey of this petitioner, who is in custody in connection with Patnagarh P.S. Case No.134 of 2019 corresponding to G.R. Case No.432 of 2019 also corresponding to Sessions Case No.5 of 2021 pending in the Court of the learned Additional Sessions Judge, Patnagarh for offence punishable under sections 294/323/376/506, I.P.C. in filing this application under section 439, Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that this Petitioner having been arrested in the case is in custody since 05.08.2019 and the trial has not yet commenced. He further submits that the prosecution case as per the statement of the victim recorded under section 164, Cr.P.C. is not to the effect that the victim had the relationship with the Petitioner of her own will. In view of all these above, he urges for reconsideration of the prayer for grant of bail to the Petitioner.
4. Learned counsel for the State placing statement of the victim recorded under section 164, Cr.P.C. opposes the move.
5. Considering the submissions made: further keeping in view the materials on record as those stand against the petitioner with other surrounding circumstances including the period of detention of the petitioner in custody and the fact that even after such a long period, the trial is yet to commence; while being inclined to reconsider the prayer for bail of this

petitioner, it is directed that the petitioner be released on bail in the aforesaid case with such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of trial; will not threaten or terrorize the prosecution witnesses in any manner whatsoever and will not leave the jurisdiction of the Court without prior permission.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

(D. Dash)
Judge

Himansu

