

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.4939 of 2021

Samay Kisku

....

Petitioner

Mr. G. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Mohanty, Additional Standing Counsel

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.4.2022

Order No.

- 09.
1. Heard Mr. G. Mohanty, learned counsel for the Petitioner and Mr. P.K. Mohanty, learned Additional Standing Counsel for Opposite Party – State.
 2. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Samay Kisku in connection with Kuliana P.S. Case No.60 of 2019 corresponding to G.R. Case No.33 of 2019 pending in the court of learned Sessions Judge-cum-Special Judge, Mayurbhanj, Baripada for alleged commission of offence under Sections 363/328/506/376(D) of the Indian Penal Code.
 3. It is submitted that the Petitioner is inside custody since 24th July, 2019 and the victim (P.W.3) in her evidence has stated against the present Petitioner to the effect that he only caught hold the hands of the victim while other co-accused committed rape. It is thus prayed

that keeping in view the limited role played by the Petitioner, he may be released on bail.

4. Upon hearing Mr. Mohanty, learned ASC and perusal of copy of deposition of the victim (P.W.3) as produced in course of hearing, I am not inclined to release the Petitioner on bail in view of the meaning of gang rape enumerated in section 376-D, I.P.C. Accordingly, his prayer for bail is rejected.

5. However, as prayed on behalf of the Petitioner the Trial Court is directed to take all expeditious steps for early completion of trial.

6. The BLAPL is disposed of.

7. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

