

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5959 of 2022

Juganta Rana

.... ***Petitioner***
M/s. J. Panda, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s. S.R. Roul, ASC

CORAM:

JUSTICE G. SATAPATHY

ORDER

29.11.2022

Order No.

- 06.
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 M.Rampur P.S. Case No.12 of 2022 corresponding to C.T. Case No.24/70 of 2022 (Sessions) pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for commission of offence punishable U/Ss. 498-A/363/366/376(2)(n)/343/302/34 of the I.P.C. read with Section 6 of POCSO Act, on the allegation of kidnapping the victim and committing rape and aggravated penetrative sexual assault upon her and also smothering her to death as well as causing disappearance of evidence.
 3. In the course of hearing of the bail application, Mr. J. Panda, learned counsel for the petitioner submits that there is absolutely nil material available against the petitioner for committing rape and aggravated penetrative sexual assault upon the victim in view of the fact that not a single witness have ever stated about the petitioner committing rape or aggravated penetrative sexual assault upon the victim and the victim having married to the petitioner, there is hardly

any scope for prosecution to establish that the victim was kidnapped. It is further submitted that the petitioner has been falsely implicated in this case for commission of murder of the deceased but he has been detained in custody since 23.01.2022 and the only material available against the petitioner is his confession which is not at all admissible in the eye of law and when there is no legal material available against the petitioner, his further detention in custody is unnecessary. It is accordingly prayed by him to grant bail to the petitioner.

4. On the contrary, Mr. S.R. Roul, learned counsel for the State by placing the opinion of the doctor available in the post mortem report submits that the deceased had suffered a homicidal death and the deceased was found in the house of the petitioner and, thereby, the petitioner is to explain as to how the deceased suffered homicidal death and the petitioner having failed to do so, it appears that there is a strong circumstance against the petitioner for murder the deceased. It is accordingly, prayed to reject the bail application of the petitioner.

5. Considering the rival submissions made, nature and gravity of accusations raised against the petitioner as also the gravity of offence alleged and taking into consideration the other circumstance on record including the cause of death of the deceased as opined by the doctor to be homicidal in nature in the post mortem report and the dead body allegedly being found from the house of the petitioner, this Court does not find any justification to grant bail to the petitioner. Hence, the prayer for bail of the petitioner stands rejected.

6. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge

Kishore

