

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5266 of 2021

Raju @ Rejendra Dehury

.... ***Petitioner***
M/s.D.Dash, Advocate

-versus-

State of Orissa & another

.... ***Opp. Parties***
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

13.09.2022

Order No.

10. 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 Daitari P.S. Case No.16 of 2021 corresponding to Special Case No.27 of 2021 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Keonjhar for commission of offence punishable U/Ss. 417/376(B) of I.P.C. read with Section 6 of the POCSO Act on the allegation of committing rape and aggravated penetrative sexual assault on the victim.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the 164 Cr.P.C. statement of the victim discloses love relationship between petitioner and victim for three months but the medical report of the victim goes to indicate about the pregnancy of the victim for twenty six weeks and this being the glaring inconsistency in the allegation, the petitioner should be released on bail.
4. On contrary, learned counsel for the State by producing the D.N.A. report of the victim submits that the petitioner is the perpetrator of the crime and thereby, the petitioner is not entitled to bail.
5. Considering the submissions advanced on behalf of the parties and taking into consideration the allegations levelled against the petitioner and other circumstances into account, more particularly the statement of the

victim recorded under Section 164 of Cr.P.C., this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail 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

