

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.529 of 2022

Sunil Naik @ Sania* *Appellant

Mr. C. Mishra, Advocate

-versus-

1. State of Odisha

**2. Nandi Naik @ Budhuni
Naik**

.... *Respondents*

*Mr. Arupananda Das
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
08.08.2022**

Order No.

02. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Learned counsel for the State submitted that the notice on the respondent no.2, who is the informant in the case is sufficient.

None appears on behalf of the respondent no.2.

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with Spl. Case No.17 of 2022 arising out of Ghatgaon P.S. Case No.80 of 2022 pending in the Court of learned Sessions Judge –cum- Special Judge, Keonjhar for offences punishable under sections 376(2)(n)/450/294/506 of

the Indian Penal Code read with section 3(2)(v) of the S.C. & S.T. (PoA) Act.

Learned counsel for the appellant submits that the appellant is in judicial custody since 20.04.2022 and he has been charge sheeted under sections under sections 376(2)(n)/450/294/506 of the Indian Penal Code read with section 3(2)(v) of the S.C. & S.T. (PoA) Act. He further submitted that the petitioner is having no criminal antecedent and therefore, the bail application of the appellant may be favourably considered.

Learned counsel for the State, on the other hand placed the 164 Cr.P.C. statement of the victim who is aged about thirty five years and stated that since eight years back on account of disturbances with her in law's family members, she was staying alone and the petitioner committed rape on her on two occasions and learned counsel for the State also placed the medical evidence of the victim which indicates that the victim is six months pregnant.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of accusation against, the 164 Cr.P.C. statement of the victim so also the medical examination report, I am not inclined to release the appellant on bail.

The CRLA stands dismissed.

The appellant is at liberty to renew the prayer for bail after examination of the victim in the learned trial Court.

(S.K. Sahoo)
Judge

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