

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5440 of 2021

***Chandan Singh @ Chandu &
another***

....

Petitioners

M/s. S.Mishra, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.D.Nayak, A.G.A.

Mr. S.J.Mohanty for the victim

CORAM:

JUSTICE G. SATAPATHY

ORDER

07.09.2022

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 Petitioners for grant of bail in connection with Baideswar P.S. Case No.37 of 2021 corresponding to G.R. Case No.137 of 2021 pending in the Court of learned S.D.J.M., Banki for commission of offence punishable U/Ss. 376(D)/506/34 of I.P.C. on the allegation of committing gang rape upon the victim.
 3. Heard learned counsel for the petitioners as well as learned counsel for the State and learned counsel appearing for the victim.
 4. In the course of hearing of the bail application, learned counsel for the petitioners submits that the petitioners are inside the custody since 20.4.2021 and in the meantime, charge sheet has already been submitted and the petitioners having not committed any offence may kindly be released on bail.
 5. On contrary, learned counsel for the State, while opposing the bail application of the petitioners, placing the statement of the victim submits that it's a clear case of gang rape by the petitioners upon the victim and the petitioners thereby should not be enlarged on bail.

6. Learned counsel for the victim submits that the victim has been gang raped by the petitioners and although the victim has been directed for payment of compensation of Rs.10/- lakhs, it would hardly obviate plight of the victim. It is also submitted for the victim to reject the bail application of the petitioner.

7. Considering the nature and gravity of the allegations leveled against the petitioners, especially the severity of allegations and taking into consideration the statement of the victim recorded under Section 164 Cr.P.C. reiterating such allegations against the petitioners and the punishment that is prescribed for gang rape, this Court is not inclined to admit the petitioners to bail. Hence, the prayer for bail stands rejected.

8. Accordingly, the BLAPL stands disposed of.

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

(*G. Satapathy*)
Judge

Kishore

