

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5543 OF 2021

Nilachal Suna & Another

..... Petitioners
Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha & Another

..... Opposite Parties
Mr. P. Mohapatra, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER

13.07.2022

Order No.

07.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with G.R. Case No.13 of 2021 arising out of Binika P.S. Case No. 14 of 2021, pending on the file of the learned Additional Sessions Judge, Sonapur for the alleged commission of offence under Sections-376(D) of the IPC. The petitioner is in custody since 16.02.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Sessions Judge, Sonapur by Order dtd. 23.06.2021 in S.C. 41/15 of 2021, the present BLAPL has been filed.
4. Learned counsel for the State on instruction received from the concerned I.I.C states that the victim is not traceable.

5. As the accused is stated to be in custody since 16.02.2021, this Court proceeds to hear the matter without awaiting any further for service of notice on the informant/victim (Opposite Party No.2).

6. Heard learned counsel for the petitioner and learned Counsel for the State.

7. Taking note of the statement of the victim under Section 164 Cr.P.C., the Medical Examination and being cognizant of the fact that, in the meanwhile charge-sheet has already been filed, and in view of the period of custody, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter, so as to ensure his presence on each date of trial.

8. The Bail Application thus stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

Balaram

(V.Narasingh)
Judge