

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6532 of 2022

Dukhiram Patel @ Munda

Petitioner

Mr. A.P. Bose, Advocate

-versus-

State of Odisha and another

Opposite Parties

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

31.10.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in C.T. Case No.1036 of 2019, pending in the file of learned S.D.J.M., Bargarh, arising out of Bargarh Sadar P.S. Case No.176 of 2019, for alleged commission of offence under Sections 376(2)(n)/506 of IPC and is in custody since 04.04.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Bargarh by order dated 20.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the 164 Cr.P.C. statement of the victim who is suffering from Chronic Psychosis (70%).

6. It is submitted by the learned counsel for the petitioner, placing reliance on the statement of the victim and the medical examination report since charge sheet has already been filed, further continuance of the petitioner in custody is not warranted.

7. Learned counsel for the State opposes the prayer for bail.

8. Considering the statement of the victim and the medical examination report in the background of the disability which has been adverted to hereinabove, this Court is **not inclined** to entertain this bail application at this stage.

9. It shall be open to the petitioner to renew his prayer after examination of the victim which shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court. Learned Court in seisin is requested to conclude the trial expeditiously.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge