

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5695 OF 2021

Ladu Gouda

***..... Petitioner
Mr. B.K. Ragada, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Mr. D. Mund, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
20.04.2022**

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with G.R. Case No. 285 of 2021 corresponding to Khallikote P.S. Case No. 144 of 2021, pending on the file of the learned J.M.F.C., Khallikote for the alleged commission of offence under Sections- 294/506/376(2)(n) of the IPC and is in custody since 26.03.2021.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote by Order dtd. 16.07.2021 in Bail Application No. 236 of 2021, the present BLAPL has been filed.
4. Heard Mr. B.K. Ragada, learned counsel for the petitioner and Mr. D.Mund, learned Additional Government Advocate for the State.

5. Learned counsel for the petitioner states that, the petitioner is in custody since 26.03.2021 and the manner in which the accusation has been made, no case under Section 376(2) (n), prima facie is made out against the petitioner.

6. Learned counsel for the State referring to the Case Diary and particularly statement under Section-164 Cr.P.C. of the victim submits with vehemence that the offence as alleged is clearly borne out from the statement of the victim and as such the petitioner is not entitled to be released on bail.

7. Perused the 164 Cr.P.C statement. Considering the tenor of the same and taking into account that the petitioner is in custody since 26.03.2021, submission of final form, 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.

8. The Bail Application thus stands disposed of.

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

Balaram

(V.Narasimha)
Judge