

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7296 of 2022

Uttam @ Dhuba Bariha

....

Petitioner

Mr. B.S. Dasparida, Advocate

-versus-

State of Orissa and another

....

Opposite Parties

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.08.2022

Order No.

01.

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.61 of 2022 arising out of Barpali P.S. Case No.59 of 2022, pending in the file of learned Sessions Judge, Bargarh, under Section 376(2)(i) of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Bargarh by order dated 13.07.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits with vehemence relying on the medical examination report that the final opinion as recorded rules out any act of sexual violence, as alleged.

6. It is further submitted that the petitioner is in custody since 13.02.2022 and since admittedly charge sheet has already been filed his further continuance in custody is unwarranted.

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

8. It is apt to note that the victim is a deaf and dumb lady. It has been reflected in the order of rejection that her statement under Section 164 Cr.P.C. statement could not be recorded in spite sincere effort.

9. Perused the statements of witness Kartika Podh, Ganesh Podha and Jayram Bhue under Section 164 Cr.P.C. statement which weighed with the learned Court in seisin over the matter, while rejecting the approval for bail.

10. On consideration of materials on record, this Court does not find any infirmity in the manner of consideration of bail by the learned Court in seisin, so as to warrant interference.

11. The bail application stands rejected.

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

(V. NARASINGH)
Judge

Santoshi