

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7394 of 2022

Anil Makar

....

Petitioner

Mr. L.N. Patel, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K. Das, A.S.C.

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
13.09.2022**

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.376(2)(n)/376-D/342/323/506/120-B, I.P.C.

2. Heard Mr. L.N. Patel, learned counsel for the Petitioner as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party.

3. It is submitted on behalf of the Petitioner that he is inside custody since 26.12.2019 and in the meantime though seven witnesses for prosecution have been examined, but the victim could not be traced out for examination despite sincere attempts taken. It is also submitted that the principal accused, namely, Deepak@Deepu Sahu has been allowed to be released on interim bail for a period of three months by another coordinate Bench of this Court in BLAPL No.2021 of 2022.

4. After hearing Mr. K. Das, learned Additional Standing Counsel for the State-Opposite Party and perusal of the rejection order of the learned Additional Sessions Judge, Jharsuguda reveals that the IIC, Jharsuguda P.S. submitted a report stating that on contact to the Police Station of Subalaya where the victim is native as well as other temporary places of residence, she could not be traced out for her attendance in the court.

5. However considering the nature of offences as well as the allegations, I am not inclined to release the Petitioner on bail. The prayer for bail is rejected.

6. But considering the period of detention of the Petitioner inside custody and the delay in procuring attendance of the victim in the trial, it is directed to release the Petitioner on interim bail for a period of three months from the date of his release in connection with Jharsuguda P.S. Case No.835/2019 corresponding to C.T. (Ses) No.35/2020 on such terms and conditions to be fixed by learned Addl. Sessions Judge, Jharsuguda as he deems just and proper including the condition that the Petitioner shall furnish two sureties (with proper identity proof) out of which one shall be his relative and that, he shall not be involved in any other offence while on bail and shall attend the trial court on each date fixed.

7. It is made clear that the Petitioner shall surrender in the trial court on or before 16th December, 2022, failing which learned trial court shall take appropriate steps including issuance of NBW of arrest to apprehend him.

8. The BLAPL is disposed of.

9. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

