

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL No.7509 of 2022**

***Lambuja Majhi***

....

***Petitioner***

Mr. S.K. Dwibedi, Advocate

-versus-

***State of Odisha***

....

***Opposite Party***

Mr. K.K. Das, Additional Standing Counsel

**CORAM:**

**SHRI JUSTICE B. P. ROUTRAY**

**ORDER**  
**12.10.2022**

**Order No.**

- 02.
1. The matter is taken up through hybrid mode.
  2. Heard Mr. S.K. Dwibedi, learned counsel for the Petitioner and Mr. K.K. Das, learned Additional Standing Counsel.
  3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Lambuja Majhi in connection with Daringbadi P.S. Case No.127 of 2020 corresponding to S.T. Case No.54 of 2020 (C.T. Case No.206 of 2020) pending in the court of learned Additional Sessions Judge, Balliguda for alleged commission of offence under Sections 294/323/506/341/376(2)(l)(m) of the Indian Penal Code.
  4. It is submitted on behalf of the Petitioner that he is inside custody since 14<sup>th</sup> November, 2020 and in the meantime though 10 witnesses have been examined by the trial court, but the victim could not be examined.

5. This court by earlier order dated 14<sup>th</sup> September, 2022 directed the trial court to submit a report regarding status of trial and the reasons for non-examination of the victim.

6. The trial court, i.e. the court of Additional Sessions Judge, Balliguda in his report dated 26<sup>th</sup> September, 2022 has stated that the victim is a mentally retarded girl for which she could not be examined despite repeated attempts made. However, other relevant witnesses have been examined in the meantime.

7. Upon hearing Mr. Das, learned ASC and considering the evidence given by other witnesses in their depositions before the trial court, as well as the nature of offences and status of the victim girl, I am not inclined to release the Petitioner on bail. Accordingly, his prayer for bail is rejected.

8. The BLAPL is dismissed.

**(B.P. Routray)**  
**Judge**