

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7624 of 2022

Debabrata Pradhan

....

Petitioner

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. S.S. Mohanty, Informant

CORAM: JUSTICE V. NARASINGH

ORDER
29.09.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioner, learned counsel for the State and learned counsel for the Informant.
 3. The Petitioner is an accused in C.T. Case No.3941 of 2022 pending in the file of learned S.D.J.M., Bhubaneswar arising out of Bhubaneswar Mahila P.S. Case No.84 of 2022, for offence under Sections 498-A/323/506/354-A/354-B/307/376/511/34 IPC and Section 4 of the D.P Act and is in custody since 30.06.2022.
 4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. Sessions Judge, Bhubaneswar by order dated 28.07.2022 in the aforementioned case, the present BLAPL has been filed.
 5. Perused the statement of the victim recorded under Section 161 Cr.P.C.

6. It is submitted by the learned counsel for the Petitioner that since charge sheet has already been filed in the meanwhile, further continuance of the Petitioner in custody is unwarranted.
7. Learned counsel for the Informant, on instruction, submits that on a bare perusal of the statement of the victim recorded under Section 161 Cr.P.C it can be seen that the offence is clearly made out and the overt act of the Petitioner has been recorded in the camera.
8. Learned counsel for the State relying on the statement of the victim recorded under Section 161 Cr.P.C. and the witnesses opposes the prayer for bail of the Petitioner.
9. Taking into account the nature of allegation, this Court is persuaded to hold that further continuance of the Petitioner in custody is unwarranted. Hence, 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.
10. Additionally, it is directed that the Petitioner shall not in any way try to intimidate the Informant or any family members of the victim and the Investigating Agency shall ensure the same.
11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS