

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6677 of 2021

Keshnath Gond

.... ***Petitioner***
Mr. Umakanta Barik, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.06.2022

Order No.

07.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Raighar P.S. Case No.46 of 2021 corresponding to G.R.Case No.58 of 2021 pending in the Court of the learned N.G.N.-cum-J.M.F.C., Raighar for commission of an alleged offence under Sections 376(2)(n), 292 of the Indian Penal Code read with Section 66 & 67 of the Information Technology Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 06.03.2021 and after completion of investigation submitted charge sheet. It is also submitted by the learned counsel for the Petitioner that though the Police made a requisition for examination of the victim but she denied for her examination. It is further contended by the learned counsel for the

Petitioner that the occurrence took place on 05.01.2020 and the F.I.R. was registered after two months i.e. on 05.03.2021. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Nabarangpur district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the terms and conditions that may be imposed by this Court.

6. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the offence alleged are heinous in nature and the petitioner should not be released on bail by this Court.

7. Considering the aforesaid submissions and keeping in view the entire facts of the case and the period of custodial detention of the Petitioner and keeping in view the fact that there is delay in lodging F.I.R. and the victim denied to have medically examined by the Doctor, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount each to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) he shall appear before the Investigating Officer once in a week for a period of six months.
- ii) shall not indulge in any offence of similar nature
- iii) shall not tamper with the prosecution evidence while on bail.
- iv) shall not influence or threaten the victim and her family member. In the event it is found that the Petitioner is indulging in such act this order shall automatically stand revoked and it is open for the court in seisin over the

matter to issue NB.W. against the Petitioner and take him back to custody..

- v) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may also impose any other condition(s) as deem fit and proper.
9. The Bail Application is accordingly disposed of.
10. Issue urgent certified copy of this order as per Rules.

RKS

