

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6903 of 2020

Tulu Kedar Mallik

....

Petitioner

Mr. R. Panda
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.7.2022.

Order No.

08.

1. This matter is taken up through hybrid mode.
2. Learned State counsel informed that notice on the victim/informant has been served since 14th December 2021. However, there is no appearance from their side. The Bail Application is therefore taken up for hearing.
3. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
4. The Petitioner is in custody since 3rd June, 2020 in connection with Ramachandrapur P.S. Case No.18/2020

corresponding to C.T. Case No.144/2020 pending in the court of learned Addl. Sessions Judge-cum-Special Judge, Jajpur for the alleged commission of the offence under Section 363 of I.P.C.

4. It is alleged that the Petitioner and some other persons kidnapped the victim, confined her in a house and also committed sexual intercourse with her. It is also alleged that the victim was given some noxious substance to eat due to which, she became unconscious. The statement of victim recorded under Section 164 of Cr.P.C. does not mention anything about any sexual assault having been committed. The Petitioner is in custody for more than two years by now and as submitted by the learned counsel for the Petitioner, trial has not commenced as yet though charge has already been framed.

5. Considering the submissions, the materials on record and the period of detention in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear personally before the court below on each date of posting of the case without fail and in case of non-appearance, this order shall be treated as automatically cancelled and necessary orders shall be passed by the court below to take him to custody again. Further, he shall not threaten, coerce or

pressurize the victim in any manner whatsoever and he shall not attempt to make any contact whatsoever with the victim.

6. The BLAPL is disposed of.

7. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

