

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8152 of 2022

Birendra Rout @ Chandu

....

Petitioner

Mr. P.K. Pradhan , Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. K.K. Gaya, ASC

Mr. S.R. Rout, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

19.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

2. The petitioner is an accused in G.R. Case No.769 of 2019, pending in the file of learned J.M.F.C. (City), Cuttack, arising out of Badambadi P.S. Case No.89 of 2019, for alleged commission of offence under Sections 376(1)/328/506 of IPC read with Section 66/67(A) of I.T. Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Cuttack by order dated 19.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is stated that the petitioner is in custody since 29.07.2022 and as charge sheet has already been filed on 24.09.2022, his further continuance in custody is punitive.

5. Learned counsel for the State as well as informant relying on the 164 Cr.P.C. statement of the victim submits that the

petitioner took advantage of the emotional state of the petitioner and exploited her. Hence merely because of charge sheet has been filed, the petitioner ought not to be released on bail.

6. Perused the 164 Cr.P.C. statement of the victim.

7. Considering the same, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge



Santoshi