

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8278 of 2022

Debasish Mahakul @ Mahakud

....

Petitioner

Mr. S. Palit, Sr. Advocate

-versus-

State of Orissa

....

Opp. Party

Mr. S.R. Roul, A.S.C.

*Mr. S.P. Barik, Advocate for the
Informant*

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.12.2022

Order No.

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Bhadrak corresponding to 1CC Case No. 277 of 2018 pending in the file of learned S.D.J.M., Bhadrak for commission of offence punishable U/Ss. 342/366/376(2)(n) 307/471/420/379/294/506 and 34 of IPC, on the allegation of kidnapping the victim and committing rape upon her by confining in a room at Bhubaneswar as well as threatening her.
 3. In the course of hearing of the bail application, Mr. S. Palit, learned Senior counsel for the Petitioner submits that all the allegations leveled against the Petitioner are motivated and no offence is made out against the Petitioner since the victim was major and she had voluntarily left with the Petitioner to Bhubaneswar at the time of occurrence. It is further submitted that after being separated from the petitioner, the victim now has married to another person and blessed with a child, but the Petitioner is languishing inside jail custody without any fault and the case of the Petitioner having already been committed to the Court of Sessions, there is every likelihood of commencement of

trial in near future and the Petitioner having sufficiently harassed by remaining in jail may kindly be granted bail.

4. Mr. S.P. Barik, learned counsel for the Informant submits that the Petitioner is a monied man and flexing his muscles to get the process of commitment delayed and thereby, the process of justice is thwarted and therefore, the Petitioner should not be granted bail.

4. Mr. S.R. Roul, learned A.S.C., however, strongly opposes the bail application of the Petitioner.

5. Considering the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioner and the other surrounding circumstances including the pre-trial detention of the Petitioner and taking into account the commitment of the case of the Petitioner in the meanwhile and regard being had to the fact that the present case arises out of one complaint and keeping in view the object and principles in which bail is granted to accused persons, this court considers it proper to grant bail to the Petitioner.

6. Hence, the prayer for the bail of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the Petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the Petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

7. Accordingly, the BLAPL stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

