

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7323 of 2021

Shiba Ranjan Das @ Kalia

.... ***Petitioner***
Mr.P.K.Das, Advocate

-versus-

State of Odisha & another

.... ***Opposite Parties***
Mr .M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.02.2022

Order No.

4. 1. This matter is taken up through Hybrid Arrangement (virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Golanthara P.S.Case No.50 of 2021, corresponding to G.R.Case No.42 of 2021, pending in the Court of the learned Additional District Judge-cum-Special Court under POCSO Act, Berhampur for alleged commission of offence under Sections 363,376(3), 506, 342, 376(2) (n) of the India Penal Code and Section 6 of POCSO Act
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 28.02.2021. It is further submitted by the leaned counsel for the Petitioner that the Petitioner did not take the victim forcibly, rather she had come with him willfully and stayed in the house of the Petitioner out of her own volition. In the said house, the

parents of the Petitioner were also present. Therefore, the allegation of rape appears to be concocted. He further submits that the medical examination report of the victim does not support the allegation as alleged by the victim.

5. Learned counsel for the State on the other hand vehemently opposes the prayer for bail of the Petitioner. He has relied upon the 164 Cr.P.C. statement of the victim where she has supported the prosecution case.

6.. Having heard leaned counsel for the respective parties as well as the nature and gravity of the offence and the fact that the medical examination report reveals that there is no direct evidence of any recent forcible sexual intercourse. Hence I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- i) the Petitioner shall not try to tamper with the evidence of the prosecution.
- ii) shall not threaten or influence any of the prosecution witnesses, particularly the victim;
- iii) shall not make any attempt either to approach, influence or contact the victim or her family members in any manner.
- iv) shall appear before the trial court on each and every date of trial without fail.
- v) Violation of any conditions shall entail cancellation of bail.

6. Further, it is open to the court in seisin over the matter to impose any additional condition (s), if situation so warrants.

7. The BLAPL is accordingly disposed of.
8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

