

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7624 of 2021

Joga Suna

....

Petitioner

Mr. Nihar Ranjan Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
18.02.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr.Nihar Ranjan Sahoo, learned counsel for the Petitioner and learned counsel appearing for the State.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. Case No.502 of 2021 arising out of Orkel P.S. Case No.111 of 2021 pending in the court of learned S.D.J.M., Malkangiri for commission of offence punishable under Sections 376(1)/506 of the Indian Penal Code.
5. Learned counsel for the Petitioner submits that the medical examination of the victim, which was conducted immediately on the next date of occurrence does not support the allegation of the victim. Further, the victim is about 21 years of age. She accompanied the Petitioner with her consent. Moreover, the Petitioner is in custody since 24.06.2021.
6. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner on the ground that the Petitioner has compelled

the victim to accompany with him.

7. Upon consideration of the submissions made by the respective parties as well as on perusal of the records and on consideration of the peculiar facts and circumstances of the case and the fact that the Petitioner is languishing in jail custody since 24.06.2021 and charge sheet has been filed in the case, I am inclined to release the Petitioner on bail in the above case, on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to condition that he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not contact or influence the victim in any manner whatsoever, shall appear before the trial court during trial on each date. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions as may deem just and proper.

9. The Bail Application is accordingly disposed of.

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

RKS

(*A.K. Mohapatra*)
Judge