

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8119 of 2021

Sili Majhi

.... ***Petitioner***
M/s.B.K.Dash, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.D.Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

14.09.2022

Order No.

- 05.
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 Kujang P.S. Case No.200 of 2020 corresponding to G.R.Case No.628 of 2020 and after commitment, the same has been renumbered as C.T. Case No. 24 of 2020 pending in the Court of learned Addl. District & Sessions Judge, Kujanga for commission of offence punishable U/Ss. 376(2)(f)(1)(n)/294/506 of I.P.C. on the allegation of ravishing the victim girl suffering from disability on account of mental retardation and abusing in filthy language and threatening her.
 3. Heard learned counsel for the petitioner as well as learned counsel for the State.
 4. In the course of hearing of the bail application, learned counsel for the petitioner forcefully submits that the prosecution has not come up with clean hand and has suppressed the materials by not conducting the D.N.A. profiling of the dead foetus of the victim. It is further submitted that had the D.N.A. test of the foetus being conducted, it would have been a ground for exoneration of the petitioner from the criminal liability arising out of commission of offence U/Ss. 376(2)(f)(1)(n) of the I.P.C. It is also submitted by learned counsel for the petitioner that the petitioner is inside the custody since 13.10.2020 and in the meantime, two years have elapsed

but the trial is not proceeding with appropriate speed and the case is yet to be disposed of. It is further submitted that in view of the aforesaid, the petitioner being an innocent person, may kindly be released him on bail.

5. On contrary, learned counsel for the State, while opposing the bail application of the petitioner by placing the statement of victim recorded U/S. 164 Cr.P.C. submits to reject the bail application of the petitioner.

6. Considering the nature and gravity of allegations levelled against the petitioner and taking into consideration the allegations raised by the victim against the petitioner in her statement U/S. 164 Cr.P.C. and keeping in view the alleged commission of crime upon the victim suffering from physical disability on account of mental retardation and the surrounding circumstance of allegations placed on record against the petitioner, this Court does not feel it proper to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner stands rejected.

7. At this point, learned counsel for the petitioner submits for expeditious disposal of the case. In view of such submission, the learned trial Court is requested to dispose of the case as expeditiously as possible within a period of six months.

8. Accordingly, the BLAPL stands disposed of.

9. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge