

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9159 of 2022

Rajesh Sabar

....

Petitioner

Mr. S.K. Parida, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

Mr. J. Sahoo, Advocate

(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

28.10.2022

Order No.

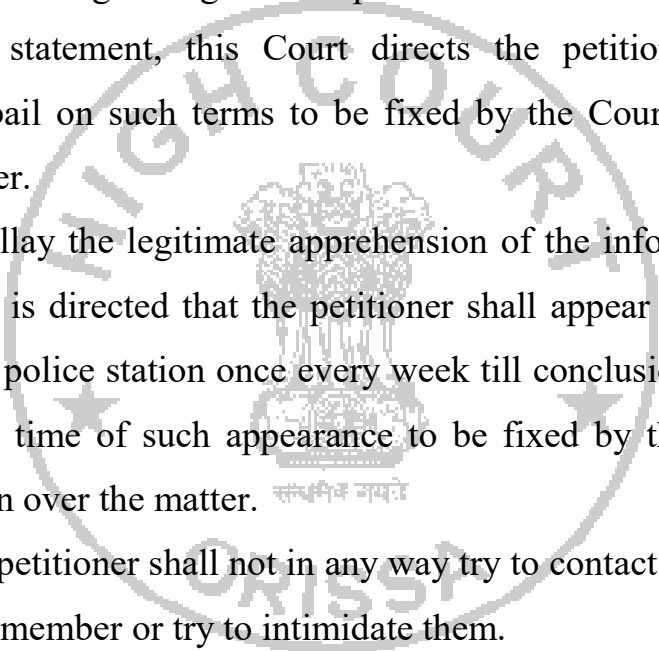
04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
3. The petitioner is an accused in connection with G.R. Case No.1147 of 2022, pending before the Court of the learned J.M.F.C., Khallikote, Ganjam, arising out of Kodala P.S. Case No.471 of 2022, for alleged commission of offences under Sections 376(2)(n)/313/294/323/506/34 of IPC.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge, Khallikote, by order dated 07.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 19.08.2022 and since charge-sheet

has already been filed on 30.09.2022, further continuance of the petitioner in custody is unwarranted.

6. Learned counsel for the informant on instruction submits that notwithstanding the pendency of the present case at the behest of the petitioner, his family members are threatening the victim and her family for which Kodala P.S. Case No.550 dated 17.09.2022 has been registered. Hence, it is submitted that releasing the petitioner at this stage would terrorize the victim and her family and it will affect the trial.

7. Considering the age of the petitioner and the tenor of the 164 Cr.P.C. statement, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

8. To allay the legitimate apprehension of the informant and her family, it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial. The date and time of such appearance to be fixed by the learned Court in seisin over the matter. 

9. The petitioner shall not in any way try to contact the victim or her family member or try to intimidate them.

10. It is needless to state that investigation so far as Kodala P.S. Case No.550 dated 17.09.2022, shall continue independently.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Ayesha