

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8221 of 2021

Rapist @ Dubai @ Rabindra Nayak ***Petitioner***
Mr.A.R.Panda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.04.2022

Order No.

08.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Balasore Sadar P.S.Case No.14 of 2021 corresponding to C.T.Case No.46 of 2021 pending in the Court of the learned J.M.F.C.(R), Balasore for commission of an alleged offence under Sections 302, 201, 120(B)/34 of the Indian Penal Code.
4. Learned counsel for the Petitioner submits that the Petitioner is languishing in jail custody since 09.08.2021 and after completion of investigation the Police submitted charge sheet in the case. It is also submitted by the learned counsel for the Petitioner that on the confessional statement of co-accused, the present Petitioner has been entangled in this case. Co-accused Pramod Jena has been released on bail. It is also submitted by the learned counsel for the Petitioner that since the Petitioner is permanently residing in the locality, there is no chance of his absconding and in the event of his release he will appear

before the trial court on each date of posting of the case.

5. Learned counsel for the State on the other hand vehemently opposes the prayer for bail and submits that the offence alleged against the petitioner is heinous in nature and he should not be released on bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case and that co-accused has been released on bail and that on the basis of the co-accused statement he has been implicated in this case, is a lady as well as the custodial detention of the Petitioner, this court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted till completion of the trial.
- iii) shall not threaten, influence or terrorise the prosecution witnesses while on bail
- iv) shall not tamper with the prosecution evidence while on bail
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is open for the Court in seisin over the matter to fix any other conditions which may be deemed fit and proper in the facts and circumstances of the present case.

8. The Bail Application is accordingly disposed of.

9. Issue urgent certified copy of this order as per Rules.

