

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8357 of 2021

Bitu Naik

....

Petitioner

M/s. D.K.Mohapatra, Advocate

-versus-

State of Orissa

....

Opp. Party

M/s.S.N.Das, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

08.09.2022

Order No.

- 04.
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 Badmal P.S. Case No.53 of 2021 corresponding to C.T. Case No.566 of 2021 and after commitment C.T.(Sessions) No. 28 of 2021 pending in the Court of learned Addl. District & Sessions Judge, Jharsuguda for commission of offence punishable U/Ss. 493/417/376(2)(n) of I.P.C.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and there is no material available on record to implicate the petitioner for offence under Section 376 of I.P.C. and the petitioner having detained in custody since 18.3.2021 may kindly be released on bail.
 4. On contrary, learned counsel for the State, while opposing the bail application of the petitioner submits that at this stage the petitioner should not be enlarged on bail.
 5. Considering the nature and gravity of allegations levelled against the petitioner and taking into consideration the statement of the victim recorded under Section 164 Cr.P.C. and regard being had to the pre-trial detention since 18.3.2021 and lastly taking into consideration the supporting materials placed on record and there being no materials

collected by the investigating agency that the petitioner will tamper the evidence or abscond , this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bond of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial in the case and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

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

(*G. Satapathy*)
Judge

Kishore

