

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8521 of 2021

Sushanta Podh

....

Petitioner

Mr. A. C. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. J. Katikia, AGA

Mr. S. Padhee, Advocate
(for the informant)

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

28.02.2022

Order No.

01. 1. The matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State. I have also heard the learned counsel for the informant.
3. The petitioner being an accused in G.R. Case No.236 of 2020, arising out of Barpali P.S. Case No.243 of 2020 of the court of learned Addl. Sessions Judge, Bargarh for commission of offence under Sections 376(D), 376(2)(I) of the IPC, has filed this application under Section 439 of the Cr.P.C. for his release on bail.
4. The prosecution case, as narrated in the FIR, is that on 12.08.2020 when the informant returned to his house, he saw the light of his house was off. He searched his daughter but could not find her. He went to the backside of his house and heard some

sound at a distance of about 100 meters from his house. He found that his daughter was lying naked on the ground. The informant witnessed the present petitioner as well as two other accused persons standing in a naked condition. When he rushed towards them, the petitioner along with others pushed the informant's daughter towards a bush and fled the spot.

5. Learned counsel for the petitioner submits that the petitioner has been in custody since 14.08.2020. He further submits that the medical examination report of the victim girl does not reveal any sexual assault. So, the petitioner may be released on bail.

6. Learned counsel for the State opposes the bail prayer of the petitioner on the ground that this is a case of gang rape.

7. It is seen from the record that the earlier bail application of the present petitioner has been rejected by this Court vide order dated 10.06.2021 in BLAPL No.2394 of 2021. There is no change in circumstance.

8. Considering the aforesaid facts and the punishment prescribed for the offence alleged and the greater and larger interest of the State and society, the BLAPL is rejected.

(S.K. Panigrahi)
Judge

pcd