

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 478 of 2022

Narayan Karua

....

Petitioner

*Mr. L.Bhuyan,
Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr.S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

17.11.2022

Order No.

2.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. It is submitted by learned State Counsel that notice has been served as directed but there is no appearance from the side of the informant. The revision is therefore taken up for hearing.
4. The petitioner is in custody since 26.06.2019 in connection with Joda P.S. Case No. 100 of 2019 corresponding to Special Case No. 82 of 2019 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Keonjhar for the alleged commission of the offence under Section 376(DA) of IPC read with Section 6 of the POCSO Act.
5. It is alleged that the petitioner in association with some other persons committed gang rape on the victim. In the meantime, trial has commenced, the victim has been examined as P.W.1. From a

perusal of the deposition of the victim it appears that the allegations are basically against co-accused Sribastab Lohar and Dumbi Munda. Though the victim claims to have known the present petitioner, yet she has not named him during her examination. Further taking into account the gross irregularities in the conduct of the Test Identification parade, this Court has already granted bail to one of the co-accused, namely, Pramod Munda, who is also a juvenile. The said Pramod Munda was identified by the victim and specifically named as having committed rape on her. There is no such evidence against the petitioner.

6. Taking into consideration all the above facts and the period of detention in custody, I am inclined to allow the prayer for bail. The revision is accordingly allowed. Let the petitioner be released on bail on such terms and conditions as the convicting court may deem fit and proper to impose.

7. The CRLREV is accordingly disposed of.

(Sashikanta Mishra)
Judge