

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8401 of 2020

Budku @ Narayana Baghar ... ***Petitioner***

Mr. A.P. Bose, Advocate

-versus-

State of Orissa and another ... ***Opposite Parties***

Mr. S.R. Roul, ASC

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER
23.12.2022**

Order No.

09.

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 G.R. Case No.135 of 2019 arising out of Sonapur P.S. Case No.135 of 2019 pending in the file of learned S.D.J.M., Sonapur, for commission of offences punishable under Sections 376(2)(h)(n)/294/323/506/34 of IPC, on the allegation of committing rape and aggravated penetrative sexual assault upon the victim.
3. In the course of hearing of the bail application, Mr. A.P. Bose, learned counsel for the petitioner prays to grant bail to the petitioner.
4. On the contrary, Mr. S.R. Roul, learned ASC strongly opposes the bail application of the petitioner.

5. Perused the report of the learned Addl. Sessions Judge-cum-Spl. Judge, Sonepur, who has reported that one out of twenty eight witnesses has been examined so far and the petitioner is in custody since 15.10.2020.

6. In view of the aforesaid fact and taking into consideration the nature and gravity of accusations raised against the petitioner as well as the surrounding circumstance including the pre trial detention of the petitioner for more than two years, this Court admits the petitioner to bail.

7. Hence, the prayer for the bail of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with and that he shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioner without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out.

8. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge