

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9148 of 2021

Manoranjan Majhi

.... ***Petitioner***
Mr.U.R.Jena, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.04.2022

Order No.

03

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. This is an application under Section 439 of the Code of Criminal Procedure filed by the Petitioner for bail in connection with Nilagiri P.S.Case No.303 of 2020 corresponding to C.T.Case No.419 of 2020 2019 pending in the Court of the learned S.D.J.M., Nilagiri for alleged commission of offence under Sections 376(1)(2)(n)/506 of the Indian Penal Code.
4. The prosecution case, as revealed from the F.I.R. is that the Petitioner, who is working in the Office of the Vigilance near Bampada, Balasore as Constable committed rape on the informant on 29.06.2020 at about 4 P.M. in the house of the uncle of the informant situated at Hatimunda in absence of the family members of her uncle. Again on 30.06.2020 in the noon hour the Petitioner also committed

rape on the informant. The Petitioner also took the informant to the sister-in-law house, where he has kept physical relationship. She was again taken her to village Kasafala where he raped her. It is alleged that after that he has taken the signature and thumb impression of the informant in presence of the villagers and on 30.08.2020 at about 4 P.M. he has left the informant to her village at Hatimunda. He also threatened the informant if she will disclose the fact before anybody.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 02.10.2021 and in the meantime investigation has been completed and final charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that the victim is aged about 35 years, and the Petitioner is aged about 51 years and on her sweet will she has kept physical relationship with the Petitioner and at no point of time the Petitioner has committed rape on her as alleged. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is permanent inhabitant of Balasore district, there is no chance of his absconding or fleeing from the hands of justice. He also undertakes to appear before the trial court on each and every date of posting of the case.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that allegation against the Petitioner is serious in nature and accordingly, his prayer for bail may be rejected by this Court.

7. Having heard learned counsel for the parties, considering the fact and circumstances of the case and the period of custodial detention of the Petitioner and the fact that the victim on her sweet will kept physical relationship with the Petitioner, I am 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 not indulge himself in any similar nature of offence.
 - ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
 - iii) shall not tamper with the prosecution evidence.
 - iv) shall not influence or threaten any prosecution witnesses while on bail.
 - v) he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.
 - vi) Violation of any of the terms and conditions shall entail cancellation of bail.
8. The trial court may impose any other condition(s) as deem fit and proper.
9. The BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge