

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9181 of 2021

Jogeswar Sabar

....

Petitioner

Mr. B.Maharatha,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.K.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. B.Maharatha, learned counsel for the Petitioner and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 30th August, 2021 in connection with Mohana P.S. Case No.150/2021 pending in the court of learned J.M.F.C., Mohana corresponding to G.R. Case No.184/2021 for the alleged commission of the offence under Sections 452/376(i)/376(2)(n)/341/323/506 of I.P.C. It is alleged that the Petitioner taking advantage of the absence of

the husband of the victim lady forcibly entered into her house being armed with deadly weapon and committed rape on her against her will and also repeated such act subsequently.

4. It is submitted by the learned counsel for the Petitioner that the relationship between the Petitioner and the victim is purely consensual and only to hide her misdeed, the victim has created a story.

5. Learned Addl. Standing Counsel for the State, on the other hand, opposed the prayer for bail by submitting that there are materials on record to show that the Petitioner forcibly committed sexual intercourse on the victim by threatening her with deadly weapon.

6. Having regard to the submissions made, the materials on record, the nature of allegation and the period of detention already undergone, I am inclined to allow the prayer for bail.

7. Let the Petitioner- Jogeswar Sabar be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

9. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge

