

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10466 of 2022

***Johny @ Mukadar Ram @
Mukader Ram***

Petitioner

Mr. S.R. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
15.12.2022**

Order No.

02. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is the accused in connection with G.R. Case No.1504 of 2022, pending on the file of learned S.D.J.M., Panposh, arising out of Uditnagar P.S. Case No.210 of 2022 for the alleged commission of offence under Section 376(2)(i)/506 IPC.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned 2nd Addl. Sessions Judge, Rourkela by order dated 21.09.2022, the present BLAPL has been filed.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 18.08.2022 and as charge sheet has been filed since 15.10.2022, his further continuance in custody is not warranted more so as the medical examination of the victim does not support the allegation.
5. Learned counsel for the State opposes the prayer for bail.

6. Perused the statement of witness Rajalaxmi Pradhan and Latika Behera who are Anganwadi Workers and the mother of the Complainant Shanti Minz, who have stated that the victim is a mentally challenged.

7. Considering the same, this Court is not inclined to release the Petitioner on bail at this stage.

8. Accordingly, the BLAPL stands rejected. It shall be open to the Petitioner to renew his prayer before the learned Court in seisin after examination of the victim, which shall be considered on its own merits.

PKS



(V. NARASINGH)
Judge