

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9578 of 2021

Nityananda Pradhan @ Girish ***Petitioner***
Mr.Satyabrata Panda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. P.C.Das, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.05.2022

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 Boudh P.S.Case No.214 of 2021 corresponding to C.T.Case No.399 of 2021 pending in the Court of the learned S.D.J.M, Boudh for alleged commission of offence under Sections 450,376,506 of the Indian Penal Code.
4. The Prosecution case, in brief, is that the informant, who is the wife of Rajendra Pradhan lodged F.I.R. alleging therein that on 01.09.2021 at about 10 A.M. while she was alone, in absence of her husband the Petitioner trespassed into the house of the informant and at the point of knife forcibly committed rape on her. While her husband returned to the house at about 10 to 11 P.M. from the market she had disclosed the same and thereafter on 02.09.2021 the present

F.I.R. has been lodged against the Petitioner.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in custody since 05.09.2021 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 a married lady, who had illicit relationship with the present petitioner and while having consensus physical relationship, the in-laws of the victim appeared at the spot, as a result of which the Petitioner ran away from the spot of occurrence. The present F.I.R. has been lodged implicating the present Petitioner in the alleged crime. It is further contended by the learned counsel for the Petitioner that the medical examination report of the victim does not support the prosecution case. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Boudh district, there is no chance of his absconding or fleeing from receiving justice. He further undertakes to appear before the trial court on each date of posting of the case and abide by the terms and conditions that may be fixed by this Court.

7. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Petitioner and submits that the offence alleged against the Petitioner is serious in nature and no leniency should be shown to the Petitioner while granting bail. With the aforesaid submissions, learned Additional Standing Counsel urges rejection of the bail application of the Petitioner.

7. Having heard learned counsel for the parties, considering the surrounding circumstances of the case and keeping in view the materials available on record and the period of custodial detention of 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. BLAPL is accordingly disposed of.
10. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge