

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9971 of 2021

Ulla @ Lalu Behera

.... ***Petitioner***
Mr. S.K. Jena, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. P.K. Pattanaik, A.G.A.

CORAM:
JUSTICE G. SATAPATHY

ORDER
30.09.2022

Order No.

10. 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 Motanga P.S. Case No.176 of 2021 corresponding to G.R. Case No. 1024 of 2021 pending in the Court of learned S.D.J.M., Dhenkanal for commission of offences punishable under Sections 376(2)(n) of I.P.C. on the allegation of committing rape upon the victim and thereby getting her pregnant.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that on the date of FIR on 01.09.2021 the victim states her to be pregnant five months but she delivered a male child on 28.09.2021 which by itself belies the prosecution case in as much as no female can give birth to a child within a span of 27 days. Learned counsel for the petitioner under aforesaid submissions prays to enlarge the petitioner on bail.
4. On contrary, learned counsel for the State, however, by placing the statement of the victim prays to reject the bail application of the petitioner.
5. Considering the nature and gravity of offence, especially the

nature of allegations raised against the petitioner by the victim and taking into consideration the specific allegation levelled by the victim against the petitioner in her statements and more particularly when the victim has not yet been examined in this case although trial is stated to have commenced since 11.08.2022 and taking into other circumstances on record, this Court is not inclined to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner stands rejected. However, the petitioner is at liberty to renew his prayer for bail after examination of the victim in the course of trial in this case.

7. Accordingly, the BLAPL stands disposed of.

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

(G. Satapathy)
Judge

Subhasmita

