

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11021 OF 2022

Prasanta Sahu

.... ***Petitioner***
Mr.D.Sarangi, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.S. Jena, ASC

CORAM:

MR. JUSTICE D.DASH

Order No.

01.

Order

15.12.2022

1. The matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. This is the successive journey of the Petitioner, who is in custody in connection with Pattapur P.S. Case No.407 of 2021 corresponding to S.T Case No.53 of 2022, pending in the Court of the learned 3rd Additional Sessions Judge, Berhampur running for the alleged commission of offence under section 452/376(2)(n)/506 of IPC, in filling this application under Section 439 Cr.P.C. for his release on bail in the above mentioned case.
3. Learned counsel for the Petitioner submits that despite the direction of the Court on the earlier occasion for early examination of the victim, the same has not taken place because of none appearance of the victim. He further submits that the Petitioner having been arrested in the case is in custody since 01.12.2021 and his further detention even accepting the prosecution case as laid would not be in the interest of justice. He, therefore, prays for reconsideration of the prayer for grant of bail to the Petitioner as

there remains no scope on the part of the Petitioner to flee from justice and tamper the evidence.

4. Learned counsel for the State opposes the move, According to him, on the face of the statement of the victim prima facie case for commission of offence under section 376 of IPC is made out.

5. Considering the submissions made; further keeping in view the materials on record as those stand against the Petitioner with other surrounding circumstance including the period of detention of the Petitioner in custody, while being inclined to reconsider the prayer for grant bail to the Petitioner, it is directed that the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin of the case with further conditions that he shall not indulge himself in any criminal activity; and shall not threaten or terrorize the prosecution witnesses.

Violation of any of the above condition(s) shall entail cancellation of bail.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**