

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10334 of 2021

Narayan Palei

....

Petitioner

Mr. J. Sahoo,
Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.01.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. J. Sahoo, learned counsel for the Petitioner and Mr. S.K.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 6th October, 2021 in connection with Kodala P.S. Case No.493 of 2021 pending in the court of learned J.M.F.C., Khallikote corresponding to C.T. Case No.1272/2021 for the alleged commission of the offence under Sections 376/507 of I.P.C read with Section 66(E)/67A of I.T. Act.

4. It is submitted by the Petitioner that having regard to the age of the victim as also the fact that F.I.R. was lodged three months after the alleged occurrence, it is evident that the case has been foisted even though the relationship between the Petitioner and the victim was purely consensual in nature.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that there are materials on record to show that the Petitioner forcibly committed rape on the victim on the point of knife as also by threatening him with dire consequences.

6. Having regard to the submissions made, the materials on record, particularly the statement of the victim girl recorded under Sections 161 and 164 of Cr.P.C. and the period of detention already undergone, I am inclined to direct release of the Petitioner on bail.

7. Let the Petitioner- Narayan Palei 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 not approach, threaten, coerce or pressurize the victim in any manner whatsoever and he shall appear before the trial court on each date of posting of the case, failing which it shall be open to the trial court to pass appropriate adverse order as it may deem fit and proper.

8. The BLAPL is disposed of.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB



(Sashikanta Mishra)
Judge