

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9423 of 2020

Ugresan Majhi

....

Petitioner

Mr. S.N.Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

11.01.2022

Order No.

09.

1. The matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under Section 439 of the Cr.P.C. for grant of bail.
4. The petitioner is an accused in S.A. Case No.5 of 2020, arising out of Sinapali P.S. Case No.30 of 2020, of the court of Addl. District Judge-cum-Special Judge, Nuapada for the alleged commission of offence under Sections 376(2)(i)(n) and 506 of the IPC read with Section 6 of the POCSO Act.
5. The facts of the case allege that the petitioner kept relationship with the victim for about 10 to 11 months. When the victim was staying alone in her house, the petitioner used to

visit her house and forcibly raped her against her will. Resultantly, she became pregnant. It is further alleged that the accused threatened her of dire consequences if she disclose about the incident to anybody.

6. Learned counsel for the petitioner submits that petitioner has not committed any such offence and he has been falsely implicated in the case. He further submits that as the investigation has already been completed, there is no chance of tamper with the evidence, if he is released on bail.

7. Learned counsel for the State opposes the bail prayer of the petitioner. He submits that when the victim stayed alone in her house, the present petitioner is to visit her house regularly and had kept physical relationship forcibly with the victim about 5 to 6 times. Because of ordeal, she was forced to leave for the School Ashram (house stay). The DNA test conducted found to be positive and the present petitioner's role is clearly attributed.

8. Considering the aforesaid submissions, the gravity of offence, and the victim being the minor girl, I am not inclined to release the petitioner on bail. Accordingly, the BLAPL is rejected.

9. However, the petitioner is at liberty to approach for fresh bail after the charges are framed.

10. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

pcd

