

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11092 of 2021

Rahul Behera

.... ***Petitioner***
M/s. M.Acharya, Advocate

-versus-

State of Orissa & another

.... ***Opp. Parties***
M/s. D. Nayak, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

23.08.2022

Order No.

- 02.
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 Itamati P.S. Case No.41 of 2021 corresponding to Special G.R. Case No.104 of 2021 pending in the Court of learned Special Judge(POCSO), Nayagarh for commission of offences punishable under Sections 363/376 I.P.C. and Section 6 of POCSO Act.
 3. Learned counsel for the petitioner submits that there is absolutely no material against the petitioner to find out any case against the petitioner under Section 363/376 of I.P.C. He also files copy of the deposition of the victim and other witnesses and submits that the victim has not whispered a single word against the petitioner for commission of offences of rape and penetrative sexual assault. On these submission, learned counsel for the petitioner prays to enlarge the petitioner on bail.
 4. The victim was present in the Court, but she did not raise any objection to the bail application of the petitioner.
 5. Learned counsel for the State vehemently opposed the bail

application of the petitioner.

6. Considering the nature of the gravity of accusation and the evidence of the victim and other witnesses i.e. P.Ws. 1 to 4 vis-à-vis the submission advanced on behalf of the petitioner and the period of detention of the petitioner in custody and the stage of the trial, this Court feels it proper to allow the bail application of the petitioner. Let the Petitioner be released on bail on furnishing bail bond of Rs.10,000/- with one solvent surety for the like amount to the satisfaction of the learned Court in seisin over the matter on such terms and conditions as deem fit and proper by it.

7. Accordingly, the BLAPL stands disposed of.

(*G. Satapathy*)
Judge

Kishore

