

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11250 of 2021

Bhanu @ Gaurahari Tala

.... ***Petitioner***
M/s. S.K.Nayak, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.P.K.Patnaik, A.G.A.

CORAM:

JUSTICE G. SATAPATHY

ORDER

28.09.2022

Order No.

- 08.
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 Chandamani Marine P.S. Case No.51 of 2019 corresponding to G.R. Case No. 617 of 2019, after commitment registered as S.T. Case No. 22 of 2020 pending in the Court of learned Special Judge (F.T.S.C.), Bhadrak for commission of offence punishable U/Ss. 376(1)/511 of the I.P.C. read with Section 5 & 6 of Odisha Prevention of Witch Hunting Act, 2013 on the allegation of attempt to commit rape upon the victim on the pretext of practicing witchcraft.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is inside jail custody since 03.11.2019 and the petitioner aged about 74 years is suffering from serious ailment of cancer. It is also submitted that the trial has already commenced and six witnesses have already been examined in this case and the offences alleged against the petitioner are U/Ss. 376(1)/511 of the I.P.C. read with Section 5 & 6 of Odisha

Prevention of Witch Hunting Act, 2013 which prescribed no capital punishment. Learned counsel for the petitioner under these submissions prays to admit the petitioner on bail.

4. On contrary, learned counsel for the State by placing the statement of the victim submits the nature of allegations raised against the petitioner is not only heinous and serious but also against a crime against woman and the petitioner having committed an offence defiling the dignity of a woman is not entitled to be released on bail. It is accordingly prayed by learned counsel for the State to reject the bail application of the petitioner.

5. Considering the rival submissions raise for the parties and taking into consideration the nature and gravity of accusations as well as the manner of commission of crime and keeping in view the cherished object of personal liberty of an individual required to be protected with utmost priority and the fact that the petitioner is inside the custody since 03.11.2019 and trial having already commenced and further there being no criminal antecedent reported against the petitioner and taking into consideration the serious ailment of the petitioner suffering from cancer as submitted, this Court considers it fit case to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bond of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial and the petitioner shall

attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

