

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11579 of 2021

Piku @ Sumananta Habadasingh

.... Petitioner
Mr.B.B.Routray, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. P.K.Mohanty, ASC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
20.05.2022

01.

1. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.

2. This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in connection with Banpur P.S. Case No. 336 of 2021 corresponding to G.R. Case No. 301 of 2021 under Section(s) 363/366/376(2)(n)/342/323/506/34 IPC pending in the Court of learned J.M.F.C., Banpur on the grounds stated therein.

3. Perused the F.I.R. and impugned order dated 23rd December, 2021 under Annexure-3.

4. Gone through the contents of the F.I.R.

5. Learned counsel for the petitioner submits that the allegation against the accused is similar to others, who seems to have confined and assaulted the victim, while she was requesting to leave her and considering the fact that another accused, namely, Surya Kanta Jena@ Dipu Jena has been granted anticipatory bail in ABLAPL No. 13074 of 2021 and

that he is in judicial custody since 2nd October, 2021, should be enlarged on bail with any conditions as deemed just and proper in the facts and circumstances of the case. On the other hand, the learned Additional Standing Counsel for the State submits that the mischief of the petitioner is clearly revealed from the F.I.R. as he and other accused persons besides the principal accused allegedly kidnapped the victim, threatened and assaulted her, while she was being confined.

6. It is apprised to the Court that the victim was subsequently rescued which is also revealed from the F.I.R. The learned counsel for the petitioner submits that though a case under Section 376(2)(n) IPC was registered but subsequently, a charge sheet has been filed under Sections(s)368/212/384/323/506/34 IPC instead.

7. Having regard to the above facts and considering the submissions of the learned counsel appearing for the parties and the fact that no offence of rape was made out, rather, it has been excluded in the charge sheet and that, anticipatory bail was granted to a similarly situated accused, namely, Surya Kanta Jena@ Dipu Jena in ABLAPL No. 13074 of 2021 and taking into account the period of detention which since the month of October, 2021, the Court is of the view that he should be enlarged on bail with conditions and accordingly, it is ordered.

8. In the result, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.20,000/- (rupees twenty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below in seisin over the matter, who shall impose such other conditions, as

found to be just and proper, in the facts and circumstances of the case.

9. The BLAPL is disposed of accordingly.

10. An urgent certified copy of the above order be issued as per rules.

(R.K.Pattanaik)
Judge

