

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11609 of 2021

Nabin Kumbhar

.... ***Petitioner***
Mr. B. Seth, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.N. Das, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
14.09.2022

Order No.

- 03.
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 Belpada P.S. Case No.195 of 2021 corresponding to Spl. G.R. Case No. 101 of 2021 pending in the Court of learned Addl. District Judge-cum-Special Court under (POCSO Act), Bolangir for commission of offences punishable under Sections 376(3)/294/506/307/34 of I.P.C. read with Section 6 of POCSO Act on the allegation of committing rape and aggravated penetrative sexual assault upon the victim and in the process, attempting to kill and threatening her.
 3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is in jail custody since long and the medical report of the victim does not corroborate the allegation of commission of rape upon the victim and although the victim is stated to be aged about 13 years, but the allegation levelled against the petitioner is vexatious and false. Learned counsel for the petitioner under aforesaid submission prays to enlarge the petitioner on bail.

4. On contrary, learned counsel for the State, however, by placing the statement of the victim recorded under section 164 of Cr.P.C. submits that a minor girl aged about 13 years has been allegedly raped by the petitioner and the petitioner is, therefore, not entitled to bail.

5. Considering the nature and gravity of allegations levelled against the petitioner and taking into consideration the statement of the victim under section 164 of Cr.P.C. and her age stated therein by the victim herself to be 13 years and taking into consideration the other material allegations placed on record and keeping in view the nature, character and strength of the supporting materials and the punishment that would entail in case of conviction for the offences, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner stands rejected.

6. Accordingly, the BLAPL stands disposed of.

7. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

Subhasmita