IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.6039 OF 2024

Raja @ Banu Das .... ***Petitioner***

Represented By Adv.
-Mr. Goutam Ch. Rout

-versus-

State of Odisha .... ***Opposite Parties,***

Represented By Adv.
-Mr. Pradipta Satapathy, ASC.

CORAM:
HON'BLE MR. JUSTICE A.C. BEHERA

ORDER

Order No. **11.12.2024**

04. 1. This matter is taken up through hybrid arrangement (Virtual/ Physical) mode.

2. This bail application Under Section 483 of the BNS, 2023 has arisen out of Special G.R. Case No. 82 of 2023 in connection of Paradeep P.S. Case No. 281 of 2023 pending in the Court of learned Adhoc Additional District Judge, FTSC (POCSO), Jagatsinghpur.

3. The Petitioner is facing trial in the Court of learned Adhoc Additional District Judge, FTSC (POCSO), Jagatsinghpur in Special G.R. case No.82 of 2023 having been charged under Sections-363/366/376(2)(n)/376(3) of the I.P.C. and Section-6 of POCSO Act on the allegations of commission of rape on the minor victim repeatedly.

4. Learned Counsel for the Petitioner submitted for liberal consideration of his bail contending that, the Petitioner is in jail custody since 05.11.2023 and in the meantime, the trial of the case has already been progressed substantially, because seven (7) witnesses have already been examined including the victim, her father and mother as P.W.7, P.W.4 and P.W.5 respectively and

submitted that, mother of the victim i.e. P.W.5 has not supported the case of the prosecution, for which, she was declared hostile, and she has deposed in her evidence stating that, she was not examined by the police during investigation. The victim as P.W.7 has deposed in her evidence stating that, she had not stated before the I.O. that, the Petitioner had blackmailed her to make her photos viral and the Petitioner had kept relationship with her forcibly. She has also not stated before the Magistrate under Section-164 Cr.P.C. about the happening of the occurrence on 28.06.2023, to which, the learned Additional Standing Counsel objected contending that, as the trial of the case is going on, for which, he (Petitioner) should not be allowed to go on bail.

5. When the Petitioner is inside the jail custody for about one year and when in the meantime, the examination of the victim and her parents have already been completed before the Trial Court and when the presence of the Petitioner during rest part of the trial is not unsecured, then, at this juncture, taking the factors into account, I find no justification to disallow the prayer for bail of the Petitioner.

Therefore, the bail application filed by the Petitioner is allowed.

He (Petitioner) is allowed to go on bail on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with conditions that:-

(i) he (Petitioner) shall not involve with similar nature of crime in future.

(ii) he (Petitioner) shall remain present personally on each date of adjournment of the case before the trial Court till its conclusion.

(iii) he (Petitioner) shall not terrorize, coerce, influence or threat any witnesses of the prosecution including the victim/informant, and her family members either directly or indirectly in any manner whatsoever at any stage of the proceeding of the case, but, in case of his failure to comply any of the aforesaid conditions, the learned Court in seisin over the matter is authorized to cancel his bail order outrightly without seeking any permission for the same from this Court.

6. Accordingly, the bail application of the Petitioner is disposed of finally

7. Grant certified copy of this order to the petitioner on proper application.

(A.C. Behera),
Judge.

Narayan

Signature Not Verified
Digitally Signed
Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 12-Dec-2024 15:43:47