IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7441 of 2026
CNR No. ODHC010521662026

Papu @ Harihar Mahanta **.....** ***Petitioner***

Represented by Adv. - Jayadeba Behera

-versus-

State of Orissa **.....** ***Opposite Parties***

Ms. B.K. Sahu, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
03.11.2026

Order No.

03. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Patna P.S. Case No.212 of 2026, corresponding to G.R. Case No.704 of 2026, pending before the learned J.M.F.C.(C.T.), Keonjhar, for alleged commission of offence punishable under Sections 64(2)(m), 123, 351(2) of BNS read with Section 67(A) of I.T. Act, 2000.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 24.05.2026. He further submitted that in the meantime the investigation has been concluded and the final charge-sheet has been filed. Learned counsel for the Petitioner,

at the outset, contended that the relationship between the Petitioner and the Victim appears to be consensual and that there is no conclusive material to establish that the Petitioner has forcibly committed rape on the Victim.

5. In course of his argument, learned counsel for the Petitioner contended that the Victim, who had a consensual relationship with the Petitioner, has implicated the Petitioner under pressure from his husband and in-law's family members. He further contended that the Victim in her statement had also not stated that the Petitioner had committed rape forcibly. Further, drawing attention of this Court to the medical evidence, learned counsel for the Petitioner submitted that the allegation made by the prosecution and the statement of the Victim recorded under Section 183 of the BNSS does not get any corroboration from the medical evidence in the shape of the medical examination report of the Victim submitted by the concerned M.O. He further submitted that taking into consideration the period of custodial detention as well as the fact that the charge-sheet has been filed, the Petitioner be enlarged on bail on any stringent terms and conditions deemed fit and proper by this Court.

6. Learned counsel for the State, on the other hand, opposed the bail application of the Petitioner on the ground of gravity and seriousness of the allegation. She further submitted that during investigation enough material has been collected by the Investigating Officer which would clearly establish the involvement of the present Petitioner in the alleged crime. She further submitted taking into consideration the nature and gravity of the allegation and further considering the fact that in the event the Petitioner is

released on bail, he would make an attempt to tamper with the prosecution evidence and threaten the prosecution witnesses, the bail application of the Petitioner be rejected at this juncture.

7. Perused the case diary as well as the statement of the Victim recorded under Section 183 of BNSS and the medical examination report of the Victim. On perusal of the Victim's statement recorded under Section 183 of BNSS, this Court found that the Victim has stated that while her husband was absent from home the Petitioner used to come to the residence and he used to keep physical relationship. She has further alleged that such physical relationship between the Petitioner and the Victim has been recorded by the Petitioner with the help of his mobile phone. Such relationship continued for almost one year. However, finally the Petitioner has circulated the video recording of their intimate moments which reached the husband of the Victim. Thereafter, the Victim has lodged this FIR making allegation against the present Petitioner.

8. So far the medical examination report of the Victim is concerned, the Medical Officer, who had conducted such medical examination, has opined that during the examination of the Victim no bodily injury was found which would suggest any forcible intercourse. Such report further reveals that there is no symptom of any recent sexual intercourse. In view of the aforesaid specific finding of the Medical Officer, it appears that the medical examination does not support the case of the prosecution. Therefore, the prosecution case stands on the statement of the Victim and other circumstantial evidence.

9. Taking into consideration the nature and quality of the statement made by the Victim under Section 183 of the BNSS,

further keeping in view the medical examination report of the Victim, on a careful consideration of the period of custodial detention, and the fact that the final charge-sheet has been filed, this Court is inclined to release the Petitioner on bail subject to the Petitioner 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. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

10. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Nov-2026 15:37:38