IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10371 of 2026
CNR No. ODHC010755262026

Rupesh Sahu **.....** ***Petitioner***

Represented by Adv. - Manoj Kumar Panda

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented by Adv. - Mr. T.K. Acharya, ASC

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

ORDER

19.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).

2. Heard learned counsel for the Petitioner, learned counsel for the informant and learned counsel for the State. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S has been filed by the Petitioner for regular bail in connection with S.T. No. 34/06 of 2025 arising out of Jonk P.S. Case No. 214 of 2024 pending in the Court of learned Addl. Sessions Judge, Nuapada for alleged commission of offence punishable U/s.366/376(2)(n) of IPC.

5. It is submitted by learned counsel for the petitioner that the petitioner is in custody since 25.02.2025 and in the meantime, investigation has been concluded and charge-sheet has already been

filed by the Investigating Officer. The learned counsel for the Petitioner at this juncture, contended that although, the Trial has already commenced since long, however, only three witnesses have been examined out of total 17 prosecution witnesses. It was also brought to the notice of the Court that the last witness was examined on 06.05.2026. The learned counsel for the Petitioner submitted that although, the victim has been summoned on several occasions by the learned Trial Court, she is not coming forward to depose before the learned Trial Court, as a result of which, the trial is getting delay and the Petitioner is languishing in custody since 25.02.2025.

6. Further referring to the allegations made in the F.I.R., the learned counsel for the Petitioner submitted that the Petitioner and the informant were in a relationship and had decided to get married. Accordingly, a physical relationship developed between them with the consent of both. However, due to certain differences and objections raised by their respective family members, the marriage could not materialize. Thereafter, the present F.I.R. came to be lodged by the informant, who is a major and is mature enough to take her own decisions. In the aforesaid factual backdrop, the learned counsel for the Petitioner submitted that no case under the alleged sections is made out against the present Petitioner.

7. The learned counsel appearing for the State vehemently opposed the prayer for bail of the Petitioner on the ground of the gravity and seriousness of the allegations. He further submitted that the victim, in her statement recorded under Section 183 of the BNSS, has categorically stated against the Petitioner. Referring to the statement of the victim, the learned counsel for the State submitted that the Petitioner forcibly established a physical relationship with

the victim and that they stayed together in a rented house for about two months. Thereafter, the Petitioner abandoned the victim. On the aforesaid grounds, the learned counsel for the State opposed the release of the Petitioner on bail.

8. Perused the Case Diary as well as the other materials available on record. On perusal of the statement of the victim recorded under Section 183 of the BNSS, it appears that initially, the victim and the Petitioner stayed together with an intention to get married. Though the victim has stated that the Petitioner forcibly established physical relationship with her and that they stayed together in a rented house for some time, where they had physical relationship, subsequently, the Petitioner abandoned her and fled away.

9. The medical examination report, however, does not support the allegation made by the prosecution, as it specifically reveals that there was no sign of sexual intercourse. However, at this stage, the said aspect need not be considered seriously by this Court.

10. Taking into consideration the nature of the allegations and the fact that the matter is pending adjudication before the learned Trial Court, this Court is of the considered view that the Petitioner may be released on bail, subject to appropriate terms and conditions.

11. Having heard the learned counsels for the respective parties, considering the nature of allegation, materials available on record and the period of custodial detention of the petitioner from 25.02.2025, it is directed that the petitioner be released on bail on furnishing a bail bond of Rs.45,000/- (rupees forty five thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter to impose other conditions may deem just and proper.

12. 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 with the following conditions :-

i. he shall not threaten, harass and terrorize any of the prosecution witnesses along with the victim and her /his family members; and

ii. he shall not make any attempt to make contract with the victim in any manner whatsoever.

13. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

14. The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

Binayak

Signature Not Verified
Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Nov-2026 19:55:40