
(2021) 07 OHC CK 0031
In the Orissa High Court
Case No : Bail Application No. 2883 Of 2021

A. Kalia

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 05-07-2021

Acts Referred:

Indian Penal Code, 1860 — Section 376(1), 506

Citation : (2021) 07 OHC CK 0031

Hon'ble Judges : S. K. Panigrahi, J

Bench : Single Bench

Advocate : Amitav Tripathy, D.R. Parida

Final Decision : Disposed Of

Judgement

S. K. Panigrahi, J

1. This matter is taken up by video conferencing mode.

2.Â Heard, learned counsel for the petitioner and learned counsel for the State.

3.Â The petitioner being in custody in Chandrasekharapur PS Case No. 118 of 2021 corresponding to C.T. Case No. 1229 of 2021, pending in the

court of the learned S.D.J.M., Bhubaneswar, registered for the alleged commission of offence under Sections 376(1)/506 IPC, has filed this petition

for his release on bail.

4.Â The prosecution alleges that on 22.01.2021, in absence of the informant and her husband in house, the neighbor-petitioner committed rape on the daughter of the informant.

5.Â Learned counsel for the petitioner submitted that the petitioner is in jail since 02.03.2021. It is further submitted that if he languishes in jail

custody, there is a chance that he will come in contact with veteran criminals

inside the jail. It is further submitted that the petitioner's bail application bearing BLAPL No.397 of 2021 before the learned Addl. Sessions Judge-cum-Special Judge, C.B.I. Court No.III, Bhubaneswar has been rejected vide order dated 26.03.2021 in a mechanical manner without considering the materials in its proper perspective.

6.Â Learned counsel for the State vehemently opposed the bail prayer of the petitioner.

7.Â Considering the nature and gravity of the accusation, character of evidence appearing against the petitioner, the stringent punishment provided

and even if there are reasonable grounds for believing that the petitioner is not guilty of the offence alleged or not likely to commit any such offence,

which is not possible to record in this case, the petitioner's prayer for bail is devoid of merit. Hence, his prayer for bail stands rejected.

8.Â Accordingly, the Bail Application is dismissed.

9. As the Lock-down period is continuing for COVID-19, learned counsel for the parties may utilize the soft copy of this order available in the High

Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No. 4798 dated 15th April,

2021.

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