
(2023) 09 OHC CK 0002
In the Orissa High Court
Case No : Bail Application No. 2655 Of 2023

Kisan Sagar @ Kishan Sagar

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 01-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 294, 323, 376(2)(n), 417, 506

Citation : (2023) 09 OHC CK 0002

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : R.N. Rout, S.R. Sahoo

Final Decision : Disposed Of

Judgement

G. Satapathy, J

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

2. This is a bail application U/S.439 of Cr.P.C. by the Petitioner for grant of bail in connection with Jeypore Town P.S. Case No. 335 of 2022 corresponding to G.R. Case No. 1317 of 2022 pending in the Court of learned SDJM, Jeypore for commission of offences punishable Under Sections 376(2)(n)/323/294/506/417 of IPC, on the allegation of committing rape upon the victim on the assurance of marriage.

3. Heard, Mr. R.N. Rout, learned counsel for the Petitioner as well as Mrs. S.R. Sahoo, learned ASC in the matter of the present bail application and perused the record.

4. After having considered the rival submissions made and taking into consideration the nature and gravity of accusations raised against the Petitioner and keeping in view the mode and manner of implication of the Petitioner and

regard being had to the pre trial detention of the Petitioner since 12.12.2022 and taking into account the other circumstances on record in entirety including the statement of the victim, this Court admits the Petitioner to bail.

5. Hence, the bail application of the Petitioner stands allowed and the Petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

- (i) the Petitioner shall not commit any offence while on bail,
- (ii) the Petitioner shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with,
- (iii) the Petitioner shall not leave the jurisdiction of the trial Court without prior permission till disposal of the case,
- (iv) the Petitioner shall report attendance before the jurisdiction Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 12 Noon for six (06) months from the actual date of his release from the custody.

The I.I.C. of Jurisdictional Police Station shall not detain the Petitioner unnecessarily after recording his attendance beyond the time as stipulated.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the Petitioner in future for grave and serious offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.

6. Accordingly, the BLAPL stands disposed of.

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

.....