

(2024) 04 OHC CK 0008
In the Orissa High Court
Case No : Bail Application No. 12484 Of 2022

Pryajit Swain

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 02-04-2024

Acts Referred:

Indian Penal Code, 1860 — Section 376(1), 452

Citation : (2024) 04 OHC CK 0008

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : S.K. Padhi, S.K. Mishra

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 22.02.2022 in connection with Pipili P.S. Case No.515 of 2021 corresponding to T.R. Case No.9 of 2022 pending in the Court of learned Addl. District Judge-cum-Special Court, Puri for the alleged commission of offence under Sections 452/376(1) of IPC.
4. It is alleged that taking advantage of the presence of the victim alone at her home, he entered into the house and forcibly committed rape on her. He is also said to have taken objectionable photographs of the victim and threatened to upload the same in the social media. Learned counsel for the petitioner submits that the victim having already been examined and there being delay in conclusion of the trial, the petitioner may be released at least on interim bail as he has to attend to certain pressing family problems at home.
5. Learned State Counsel while opposing the prayer for interim bail submits that

the victim has clearly implicated him in her evidence.

6. Taking into consideration the nature of allegations and the evidence available on record, while not being inclined to grant regular bail to the petitioner, considering the delay in conclusion of trial coupled with the family problems being faced by him, I am inclined to take a lenient view. The bail application is disposed of directing the Court below to release the petitioner on interim bail for a period of two months from the date of his actual release on such terms and conditions as it may deem fit and proper to impose.

7. The petitioner shall surrender immediately after expiry of the interim bail.

8. The BLAPL is disposed of.

9. Issue urgent certified copy as per rules.

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