
(2022) 01 OHC CK 0062
In the Orissa High Court
Case No : Criminal Appeal No. 603 of 2020

Rudra Narayan Bhutia

APPELLANT

Vs

State Of Orissa And Others

RESPONDENT

Date of Decision : 11-01-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164

Citation : (2022) 01 OHC CK 0062

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

Bench : Single Bench

Advocate : Partha Sarathi Nayak, M.K.Mohanty

Final Decision : Disposed Of

Judgement

S. K. Panigrahi, J

1. This matter is taken up by virtual mode.
2. Heard, learned counsel for the appellant, learned counsel for the informant and learned counsel for the State.
3. The appellant has preferred this Criminal Appeal challenging the order dated 23.11.2020 passed by the learned Additional District Judge cum -
Special Court, under POCSO Act, Angul in Special Case No. 51 of 2020 (Arising out of Nalco Township PS Case No. 103 of 2020).
4. The fact of the case is that on 07.08.2020 the informant woke up to find his daughter missing from the house. The informant and his wife looked for the victim in the nearby places and on not finding her registered an F.I.R. On investigation, the police rescued the victim from a locked up room. It was found that the victim was blackmailed, kidnapped and repeatedly raped. Owing to the forced sexual relationship the victim has tested positive

for pregnancy.

5. Learned counsel for the appellant submits that there are no incriminating evidences found against the present petitioner. Further, the victim and the petitioner were having an affair and got eloped together.

6. Learned counsel for the State vehemently opposed the bail of the appellant placing the 164 Cr.P.C. statement of the prosecutrix wherein she has stated that though there was love relation between them but there is no point of elopement as the petitioner forcibly took her in a car by

blackmailing her that he would commit suicide if she refuses to go with him. Later she was repeatedly raped by the petitioner confining in a room.

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

that there are reasonable grounds for believing that the Petitioner is not guilty of the offence alleged nor does he likely to commit any such offence,

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

8. Accordingly, the CRLA stands disposed of.

9. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the

High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed

vide Court's Office Order dated 7th January, 2022.

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