

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3302 of 2022

Dillip Kumar Mallick ***Petitioner***

Mr.R.K. Pattanaik, Advocate

-versus-

State of Odisha ***Opp. Party***

Mrs. Susamarani Sahoo

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

12.08.2022

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with S.T. Case No.50 of 2021 arising out of Govindpur P.S. Case No.96 of 2020 pending in the Court of learned 3rd Additional Sessions Judge, Cuttack for offences punishable under sections 376(2)(n)/379/328 and 506 of the Indian Penal Code and section 66(E), 67 and 67(A) of the Information Technology Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 31.10.2020 and his earlier bail application in BLAPL No.9117 of 2020 was rejected of as per order dated 18.06.2021

and liberty was granted to the petitioner to renew the prayer for bail after examination of the victim in the trial Court. Learned counsel further submitted that in the meantime, the victim has already been examined as P.W.1 and she stated her age to be twenty eight years and further stated to have visited Cuttack, Bhubaneswar, Puri with the petitioner and stayed at different places with the petitioner and during such visit, the petitioner kept physical relationship with her. He further submitted that the victim appears to be a consenting party and at this stage there is no chance of tampering with the evidence and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail and placed the evidence of the victim (P.W.1).

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, the nature of evidence adduced by the victim in the trial Court and the period of detention of the petitioner in judicial custody, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and

conditions as the learned Court may deem just and proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not indulge in any criminal activities and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



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