

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5772 of 2022**

***Kailash Chandra Sahu* .... *Petitioner***

*Mr. M.R. Mishra, Advocate*

*-versus-*

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

*Mr. Arupananda Das*

*Addl. Government Advocate*

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

**ORDER  
17.10.2022**

**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 under section 439 of Cr.P.C. in connection with G.R. Case No.38 of 2021 arising out of Aska P.S. Case No.20 of 2021 pending in the Court of learned J.M.F.C., Aska for offences punishable under sections 294/292(2)(a)/354C/376(2)(n)/506/509 of the Indian Penal Code read with sections 66E and 67 of the Information Technology Act, 2000.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge, Aska, which was rejected on 16.05.2022.

This is a second successive bail application of the petitioner.

It appears that the earlier bail application of the petitioner was rejected as per order dated 14.07.2021 in BLAPL No.2117 of 2021 and the petitioner was given liberty to renew the prayer for bail after examination of the victim in the trial Court.

Learned counsel for the petitioner submitted that the victim has been examined in the meantime in the trial Court as P.W.2 and she stated her age to be twenty five years. He further submitted that in view of the nature of evidence adduced by the victim, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State placed the evidence of the victim (P.W.2).

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 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 condition that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

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

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

RKM

