
(2022) 10 OHC CK 0041

Orissa High Court

Case No: Bail Application No. 3307 Of 2020

Nepal Deep

APPELLANT

Vs

State Of Orissa

RESPONDENT

Date of Decision: Oct. 12, 2022

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 164, 439
- Indian Penal Code, 1860 - Section 376(I), 506

Hon'ble Judges: B. P. Routray, J

Bench: Single Bench

Advocate: Asit Kumar Jena, K.K. Das

Final Decision: Dismissed

Judgement

B. P. Routray, J

1.The matter is taken up through hybrid mode.

2. Heard Mr. A.K. Jena, learned counsel for the Petitioner and Mr. K.K. Das, learned Additional Standing Counsel.

3. This is an application under Section 439 Cr.P.C. for grant of bail to the Petitioner Nepal Deep in connection with Mathili P.S. Case No.172 of 2019

corresponding to G.R. Case No.832 of 2019 pending in the court of learned S.D.J.M., Malkangiri for alleged commission of offence under Sections

376(I)/506 of the Indian Penal Code.

4. Earlier this court by order dated 12th February, 2020 passed in BLAPL No.825 of 2020 rejected the prayer for bail of the Petitioner considering the

statement of the victim under Section 164 Cr.P.C.

5. It is submitted by the Petitioner that the victim has been examined in course of trial in the meantime. But learned counsel for the Petitioner

expresses his inability to produce copy of her deposition. In such situation, looking to her statement recorded under section 164 of the Cr.P.C., no

merit is seen in the prayer of the petitioner to release him on bail differing earlier order of this court.

6. Accordingly the prayer for bail is rejected and the BLAPL is dismissed.

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