
(2024) 05 OHC CK 0105

Orissa High Court

Case No: Bail Application No. 10511 Of 2023

Bina @ Bijaya Das

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: May 8, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 161, 164
- Indian Penal Code, 1860 - Section 34, 323, 341, 354B, 376, 450, 506

Hon'ble Judges: Sashikanta Mishra, J

Bench: Single Bench

Advocate: Suresh Kumar Panda, 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 24.07.2023 in connection with Nimapara P.S. Case No.255 of 2023 corresponding to G.R. Case No.733 of 2023 pending in the Court of learned J.M.F.C., Nimapara for the alleged commission of offence under Sections 341/450/323/354-B/506/376/34 of IPC.
4. It is alleged that the petitioner committed rape on the victim while she was sleeping in her home with her family members. The petitioner allegedly entered into the house at late night and forcibly committed rape on her.
5. I have perused the case diary including the statement of the victim recorded under Section 161 and 164 Cr.P.C. The victim is aged about 60 years.

Having regard to the nature of allegations and the materials on record, particularly the statement of the victim, I am inclined to allow the prayer for

bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem

fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

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