

**IN THE COURT OF THE ADDL. DIST. & SESSIONS JUDGE,
BALLIGUDA, DISTRICT – KANDHAMAL.**

B.A. No.43 of 2026

(In the matter of an application for bail arising out of C.T No.59 of 2026 U/ss-69/296/351(3)/3(5) of BNS, corresponding to Tumudibandha P.S case No.47 dtd. 07.04.2026, pending before the court of J.M.F.C, Tumudibandha).

Siman Mallick, aged about 21 years,

S/o-Late Isa Mallick,

of Vill-Drawbadi, (Mediapanga),

P.S.-Balliguda,

Dist: Kandhamal.....Accused-petitioner.

- Versus –

State of Odisha..... Opposite Party.

Order dated 24.06.2026

The present bail appeal is directed against the order dated 09.04.2026 passed by the learned J.M.F.C, Tumudibandha rejecting the bail petition of the accused-petitioner namely Siman Mallick in C.T.59/2026 pending in her file and being aggrieved by the said order, the accused-petitioner has preferred the present bail appeal. Learned counsel for the accused-petitioner today files a memo stating therein that till today no other similar petition for bail is pending in any other Court having concurrent jurisdiction with regard to the present petitioner in the present case.

The case of the prosecution in short is that on 07.04.2026 at about 6.15 P.M the informant-cum-alleged victim appeared at Tumudibandha police station and presented a written report alleging therein that she was in a relationship with the accused and on 22.03.2026 at about 10.00 P.M, taking advantage of the absence of the family members of the victim in her house who had gone to the nearby jungle for collection of Mahula flowers, the accused came to her house and had sexual intercourse with her against her will and without her consent and when she protested, the accused threatened her and forcibly took her along with him thereafter took her to different places and had sexual intercourse with her at different points of time and thereafter when the accused returned with her to his village the family members of the accused abused the victim and the accused also refused to accept her as his wife and drove her out of the house. The accused had earlier assured the victim that she was his wife and had established sexual relationship with her. Then the victim lodged the F.I.R basing on which the case was registered and investigated into and after completing investigation of the case the I.O submitted charge sheet against the accused U/s-69 of the BNS.

Learned counsel for the accused-petitioner in the bail application has further submitted that the petitioner has been falsely implicated into this case. He is a permanent resident under the limits of Balliguda P.S. He is ready and willing to abide by all terms and conditions if any imposed if enlarged on bail. Submitting the same he urged to allow the bail petition.

On the other hand the Addl. P.P objected to the bail petition stating that the offence U/s-69 of the BNS is a serious offence and the accused is likely to evade trial if enlarged on bail. Submitting the same he urged to reject the bail petition.

After hearing on the bail petition from both the sides and on perusal of C.T.59 of 2026, it reveals that the informant who is also the alleged victim in this case has clearly stated in her F.I.R, that the accused-petitioner Siman Mallick had sexual intercourse with her against her will and had thereafter assured her that she would be his wife and later refused to marry her. In her statement made before the magistrate U/s-183 of the BNSS the informant-cum-victim has also supported the prosecution case stating that the accused had sexual intercourse with her forcibly and thereafter told her that he would accept her as his wife and she would stay in his house. Giving such assurance the accused

had sexual intercourse with the victim at different places on different points of time and later refused to marry her. The statements of the other witnesses made before the I.O U/s-180 of the BNSS namely Nikajini Pradhan, Pusali Pradhan, Rina Pradhan, Radhakanta Pradhan and Sibani Pradhan also support the prosecution case. Thus there appears a strong prima facie case against the accused-petitioner U/s-69 of the BNS. The trial of the case is yet to commence and there is every possibility for the accused-petitioner to evade trial and also endanger the life of the victim who is yet to be examined as a witness during trial. Hence considering all these aspects I am not inclined to allow the bail petition. As such the bail petition of the accused-petitioner stands rejected and disposed of accordingly.

Sd/-
Addl. Sessions Judge, Balliguda.
(24.06.2026)