



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.288 of 2018

Sanjaya Nayak

..... Appellant/Petitioner

*Mr. Rajib Bihari Mishra,
Advocate*

-versus-

State of Odisha

..... Respondent/Opp. Party

*Mr. P.B. Tripathy,
Addl. Standing Counsel*

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

Order No.

**ORDER
29.10.2024**

Misc. Case No.708 of 2018

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

This is an application under Section 389 of Cr.P.C. for grant of bail.

Heard.

The appellant-petitioner has been convicted under section 376(D) of the Indian Penal Code in alternatively section 6 of the POCSO Act and sentenced to undergo imprisonment for life and to pay a fine of Rs.20,000/- (rupees twenty thousand), in default, to further undergo R.I. for a period of one year for the offence under section 376(D) of the Indian Penal Code and no



separate sentence was awarded under section 6 of the POCSO Act in view of the provision under the said Act by the learned Additional Sessions Judge -cum- Special Judge, Phulbani in G.R. Case No.116 of 2015.

Perused the impugned judgment.

It is a case of gang rape of a minor girl, who has been examined as P.W.1 and supported the prosecution case.

Learned counsel for the petitioner submitted that the evidence of the doctor does not support the prosecution case and the statement of the victim does not give credence to the prosecution theory relating to the commission of gang rape, we are of the view that such contention can be considered at the appropriate stage i.e. at the time of final hearing of the appeal.

In view of the available materials on record, the nature of evidence adduced by the victim girl, we are not inclined to release the petitioner on bail. Accordingly, prayer for bail stands rejected.

The Misc. Case is accordingly disposed of.

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge



CRLA No.288 of 2018

12. Since the appellant has remained in custody for more than nine years, the Office is directed to expedite the preparation of paper book and thereafter, the matter be listed for hearing along with JCRLA No.71 of 2018 and CRLA No.306 of 2019 in the week commencing from 13.01.2025.

(S.K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

RKM