

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.372 of 2019

Kanta Bag @ Keut **Appellant/
Petitioner**

Mr. A.K. Nanda, Advocate

-versus-

State of Odisha **Respondent/
Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.08.2021

I.A. No.894 of 2019

Order No.

10. 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(2)(n) of the Indian Penal Code and sentenced to undergo R.I. for ten years and to pay a fine of Rs.5,000/- (rupees five thousand), in default, to undergo R.I. for six months by the learned Additional Sessions Judge -cum- Special Judge, Nuapada in S.A. Case No.91 of 2017.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 08.08.2017 and therefore, he has already undergone four years of substantive sentence out of ten years of substantive sentence imposed on him by the learned trial Court and the learned trial Court held that the victim to be a major and since she is a consenting party, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that the victim has given birth to a child on account of rape committed on her by the petitioner and therefore, the bail application of the petitioner should be rejected.

Perused the impugned judgment, the evidence of the victim (P.W.14) and the doctor (P.W.17).

Considering the submission of learned counsel for the respective parties, the materials available on record, the evidence of the victim, the nature of accusation against the petitioner, at this stage, I am not inclined to release the petitioner on bail. The prayer for bail stands rejected.

The petitioner is at liberty to renew his prayer for bail if the appeal is not taken up for hearing after the petitioner undergoes half of the substantive sentence.

Accordingly, the I.A. is disposed of.

(S.K. Sahoo)
Judge

I.A. No.1025 of 2019

11. Heard.

There shall be stay of realization of fine amount imposed by the learned trial Court on the petitioner till disposal of the criminal revision.

The I.A. is disposed of.

**(S.K. Sahoo)
Judge**

CRLA No.372 of 2019

12. The Registry shall prepare the paper books at an earliest and add the appeal to the hearing list.

RKM

