



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.12392 of 2025

Karunakar Majhi

....

Petitioner

Mr. K.Mohanty, Advocate

-Versus-

State of Odisha & another

....

Opposite Parties

Mr. P.K.Ray, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.12.2025

Order

No.

01.

1. Heard learned counsel for the petitioner and State.
2. Instant petition under Section 483 BNSS is filed for release of the petitioner on bail in connection with S.T. Case No.528 of 2024 arising out of Berhampur P.S. Case No. 129 of 2024 pending in the file of learned Adhoc Additional District & Sessions Judge (FTSC), Balasore on the grounds stated.
3. Perused the FIR as at Annexure-1 and rejection order i.e. Annexure-3.
4. A copy of the deposition of the victim examined as P.W. 5 from the side of the prosecution has been produced in course of hearing and the same is gone through. Even though therein, the victim described the incident in course of



examination in-chief but during her cross-examination, she did not support the prosecution case, rather, narrated a different story altogether. Gone through the contents of Annexure-1, wherein, rape has been alleged by the victim but considering the evidence during trial from her side, the Court finds that she has turned hostile. The prosecution has not even declared the victim as hostile. At the end, in course of cross-examination, it has been revealed by the victim that the incident happened involving her husband and the petitioner. In spite of such hostile evidence, the prosecution has not examined the victim under Section 145 of the Indian Evidence Act. The petitioner is in custody from 5th September, 2025 as informed to the Court by learned counsel appearing for him. Recorded the objection of Mr. Ray, learned AGA for the State, who opposes release of the petitioner on bail considering the gravity of the allegations revealed from the F.I.R. But, after commencement of the trial, the victim even though initially admitted the alleged incident but completely turned hostile during cross-examination and considering the same, the Court is of the view that the petitioner, who is in custody since the date of arrest should be allowed to go on bail with conditions.

5. Accordingly, it is ordered.

6. In the result, the petition under Section 483 BNSS stands allowed. Consequently, the petitioner is directed to be released on bail in connection with S.T. Case No.528 of 2024 arising out of Berhampur P.S. Case No.129 of 2024 subject to him furnishing a bail bond of Rs.40,000/-(rupees forty



thousand) with one solvent surety for the like amount to the satisfaction of the learned Adhoc Additional District & Sessions Judge (FTSC), Balasore, who shall be at liberty to impose such other suitable conditions as deemed just and proper and in the facts and circumstances of the case.

7. The BLAPL is disposed of.
8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

kabita