

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.951 of 2022

Babuli Kudei

....

Petitioner

Mr.B.B. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mrs. S. Pattanayak, AGA

CORAM:JUSTICE S.K. PANIGRAHI

ORDER

29.03.2022

Order No.

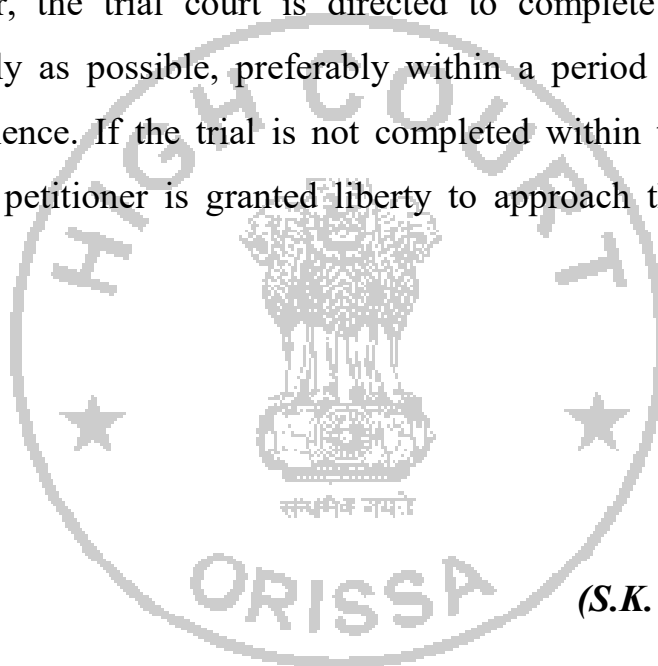
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is in custody in C.T. Case No.19 of 2019, arising out of Phulbani Sadar P.S. Case No.21 of 2019, of the court of learned Special Judge, Phulbani for the commission of offence under Sections 376(AB), 376(2)(i) of the IPC read with Section 6 of the POCSO Act. He has filed this petition for bail.
4. The fact of the case, as narrated in the FIR, is that on 04.03.2019, about 3 to 4 P.M., the accused committed rape on the informant's differently abled minor daughter.
5. Learned counsel for the petitioner submits that the petitioner is in custody since 05.03.2019 and he is the sole earning member of his family. He further submits that there is no injury on the person of the victim suggesting recent sexual intercourse. In view of such facts, the bail petition may be allowed.

6. Learned counsel for the State opposes the bail prayer of the petitioner on the ground that this is a case of rape committed to a minor girl. She further submits that out of 11 prosecution witnesses, 9 have already been examined and the trial is in progress.

7. Considering the aforesaid facts and the fact that the trial is in progress, this Court is not inclined to grant bail to the petitioner. Hence, the BLAPL is rejected.

8. However, the trial court is directed to complete the trial as expeditiously as possible, preferably within a period of forty-five (45) days hence. If the trial is not completed within the aforesaid period, the petitioner is granted liberty to approach the Court for fresh bail.



(S.K. Panigrahi)
Judge

pcd