

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1168 of 2022

Jabar Singh Majhi **Petitioner**

Mr. B.R. Tripathy, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr. J.P. Patra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

31.03.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Kashipur P.S. Case No.124 of 2020 corresponding to C.T. Case No. 45 of 2020 (C.T. 06/2021) pending in the file of learned Adhoc Addl. Sessions Judge -cum- F.T.S.C. (POCSO & Rape), Rayagada for alleged commission of offences under sections 458, 506, 376D of the Indian Penal Code.

The prayer for bail of the petitioner was rejected by the learned Adhoc Addl. Sessions Judge -cum- F.T.S.C. (POCSO & Rape), Rayagada vide order dated

19.01.2022.

Learned counsel for the petitioner submitted that when the petitioner last time approached this Court for bail in BLAPL No. 847 of 2021, this Court as per order dated 24.02.2021, while rejecting the bail application directed the learned trial Court to expedite the trial and take steps for examination of the victim at the first instance. Learned counsel further submitted that the victim has been examined as P.W.3 in the learned trial Court and she has not supported the prosecution case but there are certain improbability features in the case and therefore, 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 improbability features in the statement of the victim, if any, are to be assessed by the learned trial Court at the appropriate stage of the trial and giving any finding on the same would not be proper.

Considering the submissions made by the learned counsel for the respective parties and on perusal of the materials available on record, while not inclining to release the petitioner on bail, I direct the learned trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order. The petitioner is at liberty to renew his prayer for bail if the trial is not

concluded within the said period.

Issue urgent certified copy as per Rules.

Let a copy of the order be communicated to the learned trial Court forthwith for compliance.

(S.K. Sahoo)
Judge

PKSahoo

