

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1451 of 2022

Chitra Nag

....

Petitioner

Mr. J.N. Panda, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
23.09.2022**

Order No.

03.

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 under section 439 of Cr.P.C. in connection with C.T. Case No.45 of 2019 (Sessions) arising out of Jaipatna P.S. Case No.237 of 2016 pending in the Court of learned Additional Sessions Judge, Dharamgarh for offence punishable under section 376-D/34 of the Indian Penal Code.

The prayer for bail of the petitioner was rejected by the learned Additional Sessions Judge, Dharamgarh vide order dated 29.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.06.2019 and the

victim has been examined in the meantime as P.W.1 and she implicated not only the petitioner but also co-accused Kumuda Nag in the commission of rape and the said Kumuda Nag has been granted bail in BLAPL No.7402 of 2017 as per order dated 31.07.2018. Learned counsel produced the copy of the bail order from which it appears that the victim was examined in that case in which the Kumuda Nag was facing trial as P.W.3 and she implicated only the present petitioner Chitra Nag to have committed rape and accordingly, bail was granted to him.

Therefore, on the basis of the bail order of the co-accused, the petitioner cannot claim parity. However, taking into account the period of detention of the petitioner in judicial custody, 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 aforesaid period.

Accordingly, the BLAPL is disposed of.

A copy of the order be communicated to the learned trial Court for compliance.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge