

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.1826 of 2022**

***Biranchi Sahu and another***

....

***Petitioners***

Mr. S.K. Nanda, Advocate

***-versus-***

***State of Odisha***

....

***Opposite Party***

Mr. G.R. Mohapatra, ASC

**CORAM: JUSTICE S.K. PANIGRAHI**

**ORDER**

**04.04.2022**

**Order No.**

01. 1. The matter is taken up through hybrid mode.
2. Heard.
3. The petitioners being in custody in M. Rampur P.S. Case No.157 of 2019 corresponding to C.T. Case No.74 of 2019 (POCSO) pending in the court of learned Special Judge, Bhawanipatna for commission of offence under Sections 366, 376-DA, 394 of the IPC read with Section 6 of the POCSO Act, have filed this petition for bail.
4. The prosecution case, as narrated in the FIR, is that on 13.10.2019, at about 7 P.M., when the informant's daughter, who is 16 years, was going towards Chari Chhack alone to attend call of nature, the accused persons stuffed a towel in her mouth and carried her to the forest on their motorcycle. There, they forcefully undressed her and sexually abused her by pressing her breasts and

penetrating her private part. Further, the accused persons took her gold ear rings and fled.

5. Learned counsel for the petitioners submits that the petitioners are in custody since 15.10.2019 and investigation has been completed. The petitioners have been implicated in the case due to previous enmity.

6. Learned counsel for the State opposes the bail prayer of the petitioners on the ground that this is a case of gang rape and the trial is in progress.

7. It is seen from the record that though this Court has passed an order on 02.08.2021 to complete the trial within a period of six weeks, the said trial has not yet completed.

8. Considering the aforesaid facts and submission, this Court is not inclined to grant bail to the petitioners. The BLAPL is rejected.

9. However, the learned Addl. District-Judge-cum-Special Court under POCSO Act, Bhawanipatna is directed to complete the trial within next three months from the date of presentation of this order without any further delay.

***(S.K. Panigrahi)***  
***Judge***