

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2218 of 2022

Bapi Ray

.... Petitioner

Ms. P.P. Mohanty, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
01.12.2022**

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 Motu P.S. Case No.20 of 2018 corresponding to T.R. Case No.29 of 2018 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Malkangiri for offences punishable under sections 363/377/323/506 of the Indian Penal Code read with section 6 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Ad-hoc Additional Sessions Judge,

FTSC, Malkangiri which was rejected on 11.02.2022.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody since 19.12.2018 and when last time he approached this Court for bail in BLAPL No.6981 of 2020, he was granted interim bail for a period of three months as per order dated 23.04.2021 taking into account the delay disposal of the trial. She further submitted that the petitioner has never flouted the terms and conditions of the interim bail order and surrendered at right time. She further submitted that the petitioner is a local man and there is no chance of absconding and therefore, he may be granted interim bail for some period.

The status report dated 16.11.2022 furnished by the learned trial Court indicates that out of twenty five charge sheet witnesses, fourteen witnesses have been examined.

Learned counsel for the State has no serious objection so far as the interim bail of the petitioner is concerned.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the slow progress of the trial and the conduct of the petitioner in complying with the earlier order of interim bail granted by this Court, I am inclined to release the petitioner on interim

bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge