

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

**BLAPL No.2444 of 2022**

***Dhaneswar @ Dhanurdhar .... Petitioner***  
***@ Dhani Palai***

*Mr. R.K. Pradhan(A), Advocate*

*-versus-*

***State of Odisha .... Opp. Party***

*Smt. Susamarani Sahoo,*  
*Addl. Standing Counsel*

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

**ORDER**  
**06.05.2022**

**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 under section 439 of Cr.P.C. in connection with T.R. Case No.17 of 2021 arising out of Brahmagiri P.S. Case No.61 of 2018 pending in the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Puri for offences punishable under sections 363/376(AB)/376(2)(i)(j) 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 Additional Sessions Judge

-cum- Special Court under POCSO Act, Puri, which was rejected on 22.12.2021.

Learned counsel for the petitioner submitted that the earlier bail application of the petitioner in BLAPL No.1865 of 2021 was rejected as per order dated 14.07.2021. He further submitted that the victim is dead and there is no clinching material available on record against the petitioner and therefore, the bail application of the petitioner may be favourably reconsidered. He has filed the deposition copies of some witnesses.

On going through the evidence of P.W.1 Himanshu Sekhar Jena, who is the informant in the case that though he has submitted that the victim is his daughter and now she is dead but he has stated in his examination in-chief that when he asked his victim-daughter where she had been, she disclosed that the petitioner called her and taken her towards jungle and there he opened her chadi and raped her and had given five rupees coin to her and threatened not to disclose the matter to anybody.

In view of such evidence of the informant (P.W.1), even though the victim is dead, I am not inclined to reconsider the prayer for bail. Accordingly, the prayer for bail stands rejected.

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.



RKM