

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3475 of 2022

Subash Mohanty* *Petitioner

Mr.S.S.Ray-2, Advocate

-versus-

State of Odisha & another* *Opp.Parties

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
26.10.2022**

Order No.

04. 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 Badabazar P.S. Case No.121 of 2020 corresponding to G.R. Case No.32 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Court under POCSO Act, Berhampur, Ganjam for offences punishable under sections 366, 376(3), 323, 346 of the Indian Penal Code and section 4 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Court under POCSO Act, Berhampur, Ganjam, which was

rejected on 12.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 04.06.2020 and earlier bail application of the petitioner in BLAPL No. 7593 of 2020 has been rejected as per order dated 05.04.2021 and the petitioner was given liberty to renew the prayer for bail after examination of the victim in the learned trial Court. He further submitted that the victim has already been examined in the learned trial Court as P.W.1 and seventeen more witnesses as per the charge sheet are to be examined and since the petitioner is a local man and there is no chance of his absconding, he may be granted interim bail for some time.

Learned counsel for the State opposed the prayer for bail and placed the evidence of the victim (P.W.1), which indicates that she was a minor at the time of occurrence and she has supported the prosecution case.

Considering the submissions made by the learned counsel for the respective parties, slow progress of trial and the period of detention of the petitioner in judicial custody, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. The petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

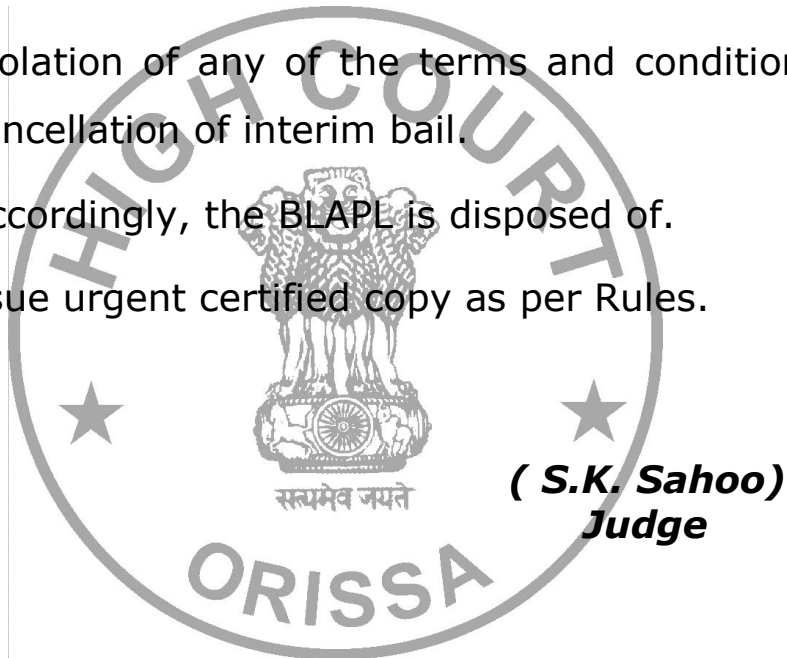
For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail

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 including the conditions that he shall not indulge in any criminal activities, shall not try to hamper with the prosecution evidence and shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period.

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.



PKSahoo