

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.3367 OF 2021

Sunil Toppo

.... ***Petitioner***
Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S. Jena, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
14.12.2022

Order No.

03. 1. The matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the second journey of the Petitioner who is in custody in connection with Talsara P.S. Case No.11 of 2010 corresponding to S.T. Case No.141/07 of 2015-16 arising out of G.R. Case No.143 of 2010(A) pending on the file of learned Addl. District & Sessions Judge, Sundargarh, for alleged commission of offence under Section -376(3)/506 of the IPC read with Section-4&6 of the POCSO Act, in filing this application under section 439, Cr.P.C. for reconsideration of his prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner submits that this Petitioner being arrested in the case on 14.12.2015 is in custody since then and the trial has not made any progress. He further submits that the material against the Petitioner is the statement of the co-accused. He also submits that the Petitioner was not known to the prosecution witnesses and therefore in the F.I.R. the Petitioner had not been named and he has been subsequently

arraigned in the case simply raising suspicion. In view of all these above; he urges for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.

4. Learned Counsel for the State opposes the move. According to him, the materials on record clearly suggest the role of this Petitioner and the Petitioner having remained as an absconder for a long time, it was only when co-accused who faced the trial was convicted, finding no such alternative the Petitioner arrived and was arrested.

5. Considering the submissions made and on going through the record, it is seen that the Court in seisin of the case was last moved by the Petitioner for his release on bail on 16.04.2021 and in of the lapse of more than one year by now, the trial must have commenced and certain developments must have also taken place. In that view of the matter, this application stands disposed of granting liberty to the Petitioner to renew his prayer before the Trial Court for his release on bail citing all the developments which have taken place in the meantime for their consideration in proper perspective and early disposal in accordance with law.

6. The BLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**