

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4287 of 2022

Sankarsan Behera* *Petitioner

Mr. D.K. Sahoo, Advocate

-versus-

1. State of Odisha

2. Puspalata Parida

.... Opp. Parties

Mrs. Susamarani Sahoo

Addl. Standing Counsel

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

**ORDER
06.12.2022**

Order No.

05. 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 Special Case No.29/69 of 2021-20 (T.C. No.29/89 of 2021-20) arising out of Telkoi P.S. Case No.112 of 2020 pending in the Court of learned Adhoc Additional Sessions Judge (FTSC), Keonjhar for offences punishable under sections 376(2)(n)/ 376(AB)/506 of the Indian Penal Code and section 6 of the POCSO Act.

The prayer for bail of the petitioner was rejected

by the learned Adhoc Additional Sessions Judge (FTSC), Keonjhar vide order dated 11.04.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 11.11.2020 and his earlier bail application in BLAPL No.2970 of 2021 was rejected as per the order dated 13.09.2021 and direction was issued to the learned trial Court to expedite the trial and at the first instance, take steps for examination of the victim.

On perusal of the status report dated 30.11.2022 submitted by the learned trial Court, it indicates that out of thirteen charge sheet witnesses, nine witnesses have already been examined including the victim and steps have been taken for recording the evidence of the four witnesses including the Investigating Officer against whom summons have already been issued and the case was posted on 05.12.2022.

Learned counsel for the petitioner submitted that the victim being examined as P.W.3 supported the prosecution case but there is inordinate delay in lodging the first information report. He further submitted that some of the witnesses, who have examined as P.Ws.4, 6, 7 to 9 have not supported the prosecution case and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, submitted that the evidence of the victim is getting corroboration from the evidence of P.Ws.1 and 2.

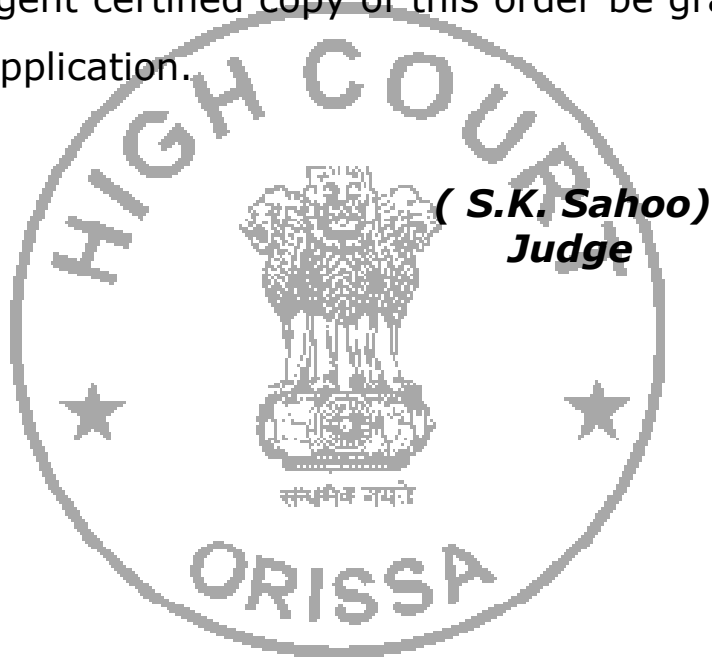
Considering the submissions made by the learned counsel for the respective parties, in view of the age of the

victim at the time of occurrence, her evidence and the nature and gravity of the accusation, while not inclining to release the petitioner on bail, however taking into account the period of detention of the petitioner in judicial custody and the progress of the trial so far, the learned trial Court shall do well to make every endeavour to conclude the trial by the end of February, 2023.

Accordingly, the BLAPL is disposed of.

A copy of the order be communicated to the learned trial Court immediately by the learned Registrar (Judicial).

Urgent certified copy of this order be granted on proper application.



RKM