

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4868 of 2022

Pratap Naik

.... ***Petitioner***
Mr. S.K. Jena, Advocate

Versus

State of Orissa

.... ***Opp. Party***
Mr. S.S. Pradhan, AGA

CORAM:

JUSTICE SAVITRI RATHO

ORDER

03.08.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. This is an application under Section 439 of Cr.P.C. for releasing the petitioner-Pratap Naik on bail in connection with Bantala P.S. Case No. 80 of 2019 corresponding to Special (POCSO) Case No. 27 of 2019 pending in the file of learned Ad hoc Additional Sessions Judge (FTSC), Angul for commission of offence punishable under Sections 342/ 376 (2) (n)/ 506/ 294/ 376 (D) of IPC and read with Section 6 of the POCSO Act and Section 66 (E) of the I.T. Act.

3. This is the second journey of the petitioner to the Court for bail.

4. Mr. Jena, learned counsel for the petitioner submits that the petitioner is in custody since 04.05.2009 and till date trial is lingering as prosecution witnesses are not appearing. On the last date, a report had been called for from the Court of learned Ad hoc Addl. Sessions Judge (FTSC), Angul regarding status of Special (POCSO) Case No. 27 of 2019.

5. Report dated 23.07.2022 of the learned Ad hoc Addl. Sessions Judge (FTSC), Angul has been received and perusal of the same reveals

that out of 23 charge sheet witnesses, 11 witnesses have already been examined and prosecution declined to examine 7 charge sheet witnesses. The case stands posted to 05.08.2022 for examination of 5 more witnesses (2 independent witnesses and 3 investigating officers) and though summons are being issued to the charge sheet witnesses in both ways, they are not attending the Court on the date fixed and the Court is striving hard to dispose of the case by the end of August, 2022.

6. Considering the fact that the petitioner is in custody since more than 3 years, learned Ad hoc Addl. Sessions Judge (FTSC), Angul is requested to dispose of the trial within a period of three months.

7. The BLAPL is accordingly disposed of.

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

.....
(Savitri Ratho)
Judge

puspa

