

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5788 OF 2019

Robert Soreng

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

-versus-

State of Odisha

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

CORAM:
JUSTICE V. NARASINGH

ORDER
07.07.2022

Order No.
04.

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with Special G.R. Case No. 73 of 2016 arising out of Biramitrapur P.S. Case No. 152 of 2016, pending on the file of the Learned Special Judge-cum-Sessions Judge, Sundargarh, for the alleged commission of offence under Sections-376(2)(i)(l) of the I.P.C read with Section-6 of POCSO Act and he is in custody since 15.09.2016.
3. Being aggrieved by the rejection of their application for bail U/s. 439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge, Sundargarh, by Order dtd. 17.04.2019 in Special G.R No.73 of 2016, the present BLAPL has been filed.

4. Heard learned counsel for the petitioner and learned Counsel for the State.

5. Learned counsel for the petitioner submits that no case under the Sections is made out against the petitioner even accepting the case of the prosecution at its face value and it is also submitted that since the petitioner is in custody 15.09.2016 and there is no progress in trial, the petitioner is entitled to be released on bail.

5. Perused the 164 Cr.P.C. statement produced by the learned counsel for the State of the victim, who is differently abled.

6. Considering the same, this Court is not inclined to entertain this Application for bail, the Bail Application stands rejected.

7. As the petitioner is stated to be in custody since 15.09.2016, learned Court below shall do well to expedite the trial, keeping in view the stipulation as envisaged under the POCSO Act.

7. Urgent certified copy of this order be granted as per rule.

(V.Narasimha)
Judge

Balaram