

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5632 of 2022

Saroj Behera @ Kumar **Petitioner**
Behera

Mr.Sujay Shanker Singhdeo,
Advocate

-versus-

State of Odisha **Opp. Party**

Mr.Arupnanda Das
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
01.12.2022

Order No.

02. 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 Belpara @ Belpada P.S. Case No.260 of 2019 corresponding to Special G.R. Case No.118 of 2019 pending in the Court of learned Additional Sessions Judge -cum- Special POCSO Judge, Bolangir Circuit Court at Patanagarh for offences punishable under sections 363, 366, 376(2)(n), 376(A) of the Indian Penal Code read with section 6 of the POCSO Act.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 23.04.2019 and when he approached this Court last time for bail in BLAPL No.3065 of 2021, the same was disposed of as per order dated 11.08.2021 and the learned trial Court was directed to expedite the trial and conclude the same by the end of December 2021. He further submitted that till date the prosecution has not concluded its evidence and the petitioner is a local man and there is no chance of absconding and therefore, the petitioner may be granted interim bail for some period.

The status report dated 23.11.2022 submitted by the learned trial Court indicates that out of ten charge sheet witnesses, only eight witnesses have been examined and one witness has been declined and the Investigating Officer is to be examined as last witness.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, nature of evidence adduced by the prosecution so far and the period of detention of the petitioner in judicial custody and the progress of the trial so far, I am inclined to release the petitioner on interim bail for a period of three months from the date of release and 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 subject to conditions that while on interim bail, the petitioner shall not indulge in any criminal activities in any manner and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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.

