

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1684 of 2022

Bhutulu @ Pradeep Ku. Roul and others ***Petitioners***

-versus-

State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

ORDER
06.07.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 11th May, 2022 passed by the learned Adhoc Additional District & Sessions Judge, Balasore in Special Case No.650 of 2016 wherein N.B.W.(A) has been issued against him and allow him to go on previous bail.
4. It appears that the Petitioner being indicted in a case under the POCSO Act, which is pending before the Adhoc Additional District & Sessions Judge, Balasore. The case is lingering for framing of charge due to non-appearance of the Petitioner. Since repeated adjournment is sought for, the charge

could not be framed. On 11th May, 2022, when petition under section 317 of Cr.P.C. and another petition for time were pressed. The court having no alternative has rejected such prayers and issued N.B.W.(A) against the present Petitioner to procure his attendance to proceed further in this case.

5. Needless to say that the Petitioner has challenged the same on the ground that the N.B.W.(A) was issued for the first time and, as such, he may be allowed to surrender and go on bail.

6. The case is triable by Special Court under the POCSO Act and for expeditious disposal of the case, some Fast Track Courts have been established pursuant to the direction of the Apex Court, but till then, Petitioner is not appearing in the said case. Allowing the Petitioner to go on bail in the aforesaid facts and circumstances would frustrate the very purpose of establishment of the Fast Track Courts, as there is every chance of the Petitioner not cooperating with the trial further. Hence, the petition is devoid of merit.

7. However, if the Petitioner would surrender before the court in seisin over the matter within six weeks hence and move for bail after framing of the charge, the court in seisin over the matter shall consider and dispose of his bail application taking note of the facts and circumstances that voluntarily he has surrender to custody of the court and also he is ready and willing to cooperate with the trial.

8. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

DA

