

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5600 of 2021

Bimal Sethy

....

Petitioner

Mr. S. Das, Advocate

-versus-

State of Odisha and Ors.

....

Opp. Parties

Mr. A.K. Beura,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

11.02.2022

Order No.

04. 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 Manamunda P.S. Case No.114 of 2019 corresponding to C.T. Case No.489 of 2019 pending in the Court of learned Additional Sessions Judge -cum-Special Judge, Boudh for offences punishable under sections 363/366/366(A)/ 376(3)/376(2)(n)/370/109/34 of the Indian Penal Code read with sections 6 and 17 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge -cum-Special Judge, Boudh which was rejected on 09.06.2021.

The earlier bail application of the petitioner in BLAPL

No. 4476 of 2020 was rejected on merit as per order dated 09.02.2021, taking into account the age of the victim and her 164 Cr.P.C. statement so also the nature and gravity of the accusation and liberty was granted to the petitioner to renew the prayer for bail after examination of the victim in the learned trial Court.

Learned counsel for the petitioner submitted that till date, charge has not been framed to substantiate such aspect. The entire order sheets of the learned trial Court has been filed, from which it reveals that the case was fixed to 01.02.2022 for appearance of the accused. Since the petitioner is stated to be in judicial custody since 19.06.2020, the learned trial Court shall take immediate steps for framing the charge and examining the victim at the first instance and for ensuring the attendance of the victim, the learned trial Court shall take the assistance of the Inspector in-charge of Manamunda police station.

The petitioner is at liberty to renew his prayer for bail after examination of the victim in the trial Court.

The BLAPL is accordingly disposed of.

A copy of the order be communicated to the learned trial Court for compliance.

(S.K. Sahoo)
Judge