

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6571 of 2022

Maheswar Kanhar

....

Petitioner

Mr. R. Pradhan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

Mr. A. Das, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
12.12.2022

Order No.

05.

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.
2. The petitioner is an accused in connection with C.T. Case No.33 of 2021, pending in the Court of the learned Additional District & Sessions Judge, (POCSO), Phulbani, arising out of Phiringia P.S. Case No.53 of 2021, for alleged commission of offences under Sections 363/366/376(3)/376-DA/307/323/506/34 of IPC and under Section 4(2)/6 of the POCSO Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Judge (POCSO), Phulbani, by order dated 25.05.2022 in the aforementioned case, the present BLAPL has been filed.

4. Considering the statement of the victim aged about 13 years as P.W.1 and since trial has commenced, this Court is **not inclined** to entertain this bail application at this stage.

5. The discrepancies which the learned counsel for the petitioner seeks to rely upon, cannot be gone into at this stage, since the same will prejudicially affect the ongoing trial. Hence, this Court is not inclined to make a microscopic examination of the deposition of P.W.1.

6. Since the petitioner is in custody from 02.05.2021, learned Court in seisin is called upon to conclude the trial expeditiously preferably within a period of two months from the date of receipt/production of the copy of this order.

7. In the event trial is not concluded within the time stipulated, it shall be open for the petitioner to move the learned Court in seisin for bail, which shall be considered on its own merits.

8. Accordingly, the BLAPL stands disposed of.

Ayesha

(V. NARASINGH)
Judge