

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6917 of 2022

MD. Jabar @ MD. Kalia

....

Petitioner

Mr. S.R. Das, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.11.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in connection with Special G.R. Case No.175 of 2021, pending in the Court of the learned ADJ-cum-P.O Special Court (POCSO), Sundargarh, arising out of Uditnagar P.S. Case No.282 of 2021, for alleged commission of offences under Sections 341/323/354/377 of IPC and Sections 4 & 6 of POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned ADJ-cum-P.O Special Court under POCSO Act, Sundargarh, by order dated 10.05.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted that the petitioner is in custody since 13.12.2021, though charge-sheet has been filed on 02.02.2022 and as trial has not commenced, it is stated that further continuance of the petitioner in custody is unwarranted.

6. Learned counsel for the State opposes the prayer for bail inter alia stating that the petitioner has eight criminal antecedents.

7. Per contra, learned counsel for the petitioner submits that the criminal antecedents are not of similar nature. Hence, ought not to weigh with the Court.

8. This Court perused the statement of the two victims aged about 5 and 7 years.

9. On perusal of the said statement, this Court is **not inclined** to consider the bail application of the petitioner.

10. Since the petitioner is stated to be in custody since 13.12.2021, learned Court is called upon to conclude the trial expeditiously.

11. Accordingly, the BLAPL stands disposed of.

(V. NARASINGH)
Judge

Ayesha