

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6947 of 2022

Rusava Naik

....

Petitioner

Mr.S.K. Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.Debasis Biswal,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
29.09.2022**

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 Chhendipada P.S. Case No.512 of 2020 corresponding to C.T. (Sessions) Case No.14 of 2021 pending in the Court of learned Adhoc Addl. Additional Sessions Judge (FTSC), Angul for offences punishable under sections 376-D/506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 23.12.2020 and his earlier bail application in BLAPL No.3423 of

2021 was rejected as per order dated 19.07.2021 taking into account that it is a case of gang rape and the victim has implicated the petitioner as one of the culprits and the learned trial Court was directed to expedite the trial and at the first instance steps shall be taken to examine the victim and liberty was granted to the petitioner to renew his prayer after examination of the victim in the trial Court.

Learned counsel for the petitioner has produced the deposition copy of the victim (P.W.1), one eye witnesses (P.W.2) so also the doctor (P.W.12) and he submits that there are contradictions in the statement of the victim and the doctor's evidence does not corroborate the victim's evidence.

Learned counsel for the State opposed the prayer for bail and placing the evidence of P.W.1 (victim), he submitted that at this stage, it would not be proper to give opinion about the acceptability of the evidence of P.W.1 which would be adjudicated by the learned trial Court at the appropriate stage.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation and particularly the evidence of the victim, while not inclining to release the petitioner on bail, but taking into account the period of detention of the petitioner in judicial custody, I direct learned trial Court to expedite the trial and conclude the same within a period of six

months.

The BLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

