

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6067 of 2021

Jagu @ Niranjan Majhi* *Petitioner

Mr. D. Sahoo, Advocate
-versus-

State of Odisha* *Opp. Party

Mr. J.P. Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

10.01.2022

Order No.

05. This matter is taken up by video conferencing 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 Special Case No.31 of 2019 arising out of Balaramgadi P.S. Case No.02 of 2019 pending in the Court of learned Sessions Judge -cum- Special Judge, Balasore for offences punishable under sections 294/506/341/354-A/305 of the Indian Penal Code read with section 8 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Additional Sessions Judge

-cum- Special Judge, Balasore, which was rejected on 05.07.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 16.03.2020 and earlier he approached this Court for bail in BLAPL No.5315 of 2020 and as per order dated 02.12.2020, the bail application was rejected but the learned trial Court was directed to expedite the trial and conclude the same within a period of six months from the date of receipt of the order. It is submitted that only one witness has been examined so far.

Perused the status report of the learned trial Court dated 03.01.2022 from which it appears that only one witness has been examined and the learned defence counsel filed a petition to treat the petitioner as CICL and after hearing the petition, the learned trial Court sent the original case record to the Principal Magistrate, Juvenile Justice Board, Balasore for determination of actual age of the petitioner but no report has been received from the Principal Magistrate, Juvenile Justice Board, Balasore.

Considering the submissions made by the learned counsel for the respective parties, since the earlier order passed in BLAPL No.5315 of 2020 has not been complied with and keeping in view the stage of trial, at this stage, while not inclining to release the petitioner on bail on merit, but taking into account the

period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper and with further conditions that while on interim bail, the petitioner shall not try to come in contact with any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail. The Inspector in-Charge of Balaramgadi police station shall keep close vigil over the activities of the petitioner while on interim bail.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

A free copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Inspector in-charge of Balaramgadi police station to do the needful.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

RKM

