

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6206 of 2021

Sunil @ Samir Sahu* *Petitioner

Mr. A.P. Bose, Advocate

-versus-

State of Odisha & another* *Opp. Parties

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

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

**ORDER
22.07.2022**

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 Birmarajpur P.S. Case No.142 of 2020 corresponding to Special G.R. Case No.12 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Sonapur for offences punishable under sections 376 and 323 of the Indian Penal Code, read with section 4 of the Protection of Children from Sexual Offence Act, 2012.

The prayer for bail of the petitioner was rejected by the learned Additional Sessions Judge -cum-Special Judge, Sonepur, vide order dated 09.07.2021.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 29.07.2020 and in the meantime, trial has already commenced and out of twenty seven charge-sheet witnesses, five witnesses have been examined including the victim. He further submitted that since at this stage, there is no chance of tampering with the evidence, the bail application may be favourably reconsidered.

Learned counsel for the State opposes the prayer for bail and submitted that the victim being examined as P.W.2 has supported the prosecution case and she was a minor girl aged about fifteen years at the time of occurrence and she stated about the commission rape on her by the petitioner and therefore, the petitioner should not be released on bail.

Perused the evidence copies produced by the learned counsel for the petitioner.

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 and her age at the time of occurrence, 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 by the end of December 2022. The petitioner is at liberty to renew his prayer for bail, if the trial is not concluded within the said period.

The BLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

PKSahoo

