

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6193 OF 2020

Padalam Gadaba

***..... Petitioner
Mr. S.K. Dwibedi, Advocate***

-versus-

State of Odisha & Another

***..... Opposite Parties
Mr. A. Pradhan, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
05.07.2022**

**Order No.
05.**

1. This matter is taken up through Hybrid Mode.
2. The petitioner is an accused in connection with T.R. Case No.299 of 2020 arising out of Kosagumuda P.S. Case No. 95 of 2020, pending on the file of the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Nabarangpur for the alleged commission of offence under Sections-376(2)(n)/376(3) of the IPC read with Section-6 of the POCSO Act. He is in custody since 13.07.2020.
3. Being aggrieved by the rejection of his application for bail U/s. 439 Cr.P.C. by the learned Addl. District & Sessions Judge-cum-Special Court under POCSO Act, Nabarangpur by Order dtd. 04.08.2020 in T.R. Case No. 299 of 2020, the present BLAPL has been filed.
4. Heard learned counsel for the petitioner and learned Counsel for the State.

5. Learned counsel for the State submits that the notice on the victim has been served on 12.12.2020.
6. There is no appearance on behalf of the victim at the time of call.
7. Learned counsel for the petitioner states that though the petitioner is in custody since 13.07.2020 because of non-cooperation of the victim, there is no progress in the trial. It is further submitted that, even if, the allegations accepted at its face value, no case under the Section in which the petitioner has been cited as accused is made out.
8. Perused the 164 Cr.P.C. statement of the victim.
9. Considering that the tenor of the 164 Cr.P.C. statement and taking into account that the petitioner is in custody since 13.07.2020 and tardy progress of trial as stated, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin over the matter, so as to ensure his presence on each date of trial
10. The Bail Application thus stands disposed of.
11. Urgent certified copy of this order be granted as per rule.

Balaram

*(V.Narasingh)
Judge*