

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6903 of 2021

Duryodhan Barik ***Petitioner***

Mr. D.K. Das, Advocate

-versus-

State of Odisha ***Opp. Party***

Mr. A.K. Beura,
Addl. Standing Counsel

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

ORDER

11.02.2022

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 T.R. Case No.56 of 2020 arising out of Odagaon P.S. Case No.28 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge under POCSO Act, Nayagarh for offences punishable under section 376(3)/506 of the Indian Penal Code read with section 6 of the POCSO Act.

The prayer for bail of the petitioner was rejected by the learned Additional Sessions Judge -cum- Special Judge under POCSO Act, Nayagarh vide order

dated 09.06.2021.

Learned counsel for the petitioner submitted that the petitioner is aged about 60 years and his earlier bail application in BLAPL No.2393 of 2020 was rejected as per the order dated 21.12.2020 and the petitioner was given liberty to renew the prayer for bail after the examination of the victim in the learned trial Court so also her uncle Santosh Kumar Pradhan in the learned trial Court. Learned counsel further submitted that though the witnesses have already been examined and the victim being examined as P.W.1 supported the prosecution case and her uncle Santosh Kumar Pradhan being examined as P.W.3 also corroborated the evidence of P.W.1. However, it is contended that since out of fourteen charge sheet witnesses, ten witnesses have been examined and therefore, the bail application may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and contended that the age of the victim was fifteen years at the time of occurrence and she has categorically stated about the commission of rape on her by the petitioner which gets corroboration from the evidence of P.W.3.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner, the statements of the aforesaid two witnesses i.e.,

P.W.1 and P.W.3, while not inclining to release the petitioner on bail, but taking into account the period of detention of the petitioner in judicial custody and progress of the trial, I direct the learned trial Court to expedite the trial and conclude the same by the end of June 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.

Issue urgent certified copy as per Rules.



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