

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8020 of 2022

Pradeep Sethi @ Pradeep Kumar Sethi @ Lipu* *Petitioner

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
02.12.2022**

Order No.

03. 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 Khaira P.S. Case No.93 of 2021 corresponding to Special Case No.109 of 2021 pending in the Court of learned Adhoc Additional Sessions Judge, (Fast Track Special Court), Balasore for offences punishable under sections 341/376(2)(l)/376(2)(n)/506 of the Indian Penal Code and section 6 of the POCSO Act.

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

(FTSC), Balasore which was rejected on 25.07.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 18.04.2021 and his first bail application in BLAPL No.5094 of 2021 was rejected as per the order dated 23.12.2021 taking into account, inter alia, the 164 Cr.P.C. statement of the victim, however, liberty was granted to him to renew the prayer for bail after examination of the victim in the trial Court. It is submitted that in the meantime, trial has commenced and as many as seven witnesses have been examined including the victim as P.W.1. Learned counsel further submitted that in view of the nature of evidence adduced by the victim, the bail application of the petitioner may be favourably considered.

Perused the status report dated 25.11.2022 submitted by the learned trial Court from which it appears that out of fourteen charge sheet witnesses, seven witnesses have been examined.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence available on record, 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 and absence of any chance of tampering

with the evidence or absconding so also the progress of the trial, 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 subject to 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 and he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge