

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7129 of 2021

Anil Kumar Sahu

....

Petitioner

Mr. D. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.02.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. In pursuance of the order dated 14.02.2022, the informant appears in Court today through virtual mode along with the Inspector in-Charge of Aska police station and she opposed the prayer for bail of the Petitioner.
3. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., Case Diary and other relevant documents.
4. This is an application under Section 439 of the Criminal Procedure Code.
5. The Petitioner is an accused in G.R. Case No.37 of 2021 corresponding to Aska P.S. Case No.103 of 2021 pending in the court of learned District and Sessions Judge-cum-Special Court under POCSO Act, Berhampur, Ganjam for commission of offence punishable under Sections 363/376(2)(n)/506/34, I.P.C. read with Section 6 of the POCSO Act.

6. Learned counsel for the Petitioner seeks permission to withdraw the present bail application with liberty to move a fresh bail application after examination of the victim by the trial court in the event examination of the victim is not concluded within a stipulated time.

7. Learned counsel for the Petitioner further submits that Petitioner is in custody since 01.03.2021.

8. Considering the submissions and the materials available on record, the Petitioner is permitted to withdraw the bail application and the same is accordingly disposed of as withdrawn.

10. However, learned trial court shall make endeavour to examine the victim as expeditiously as possible preferably within a period of one month from the date of production of certified copy of this order.

11. It is further directed that in the event the trial court fails to examine the victim within the aforesaid period of time, the Petitioner is given liberty to file a fresh bail application.

12. With the aforesaid observation, the bail application stands disposed of.

13. Urgent certified copy of this order be granted on proper application.

Jagabandhu

(*A.K. Mohapatra*)
Judge