

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.7755 of 2021

Satyanarayan Swain @ Satyanaryan Swain **Petitioner**

Mr. R.N. Rout, Advocate

-versus-

1. State of Odisha

2. Papali Bisoyi

.... **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
11.02.2022

Order No.

01. 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 G.R. Case No.06 of 2020 arising out of Gangapur P.S. Case No.57 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Judge (POCSO Act), Berhampur for offences punishable under sections 341/342/376(3)/506 of the Indian Penal Code read with section 4 of the POCSO Act.

The prayer for bail of the petitioner was rejected

by the learned Special Judge (POCSO), Berhampur vide order dated 03.08.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 15.03.2020 and his earlier bail application in BLAPL No.9126 of 2020 was rejected as per order dated 24.03.2021 and liberty was granted to the petitioner to renew the prayer for bail after examination of the victim in the trial Court. It is contended by the learned counsel for the petitioner that the victim has been examined in the meantime in the trial Court as P.W.2 and she has supported the prosecution case. Learned counsel for the petitioner has annexed the deposition copy of the victim as Annexure-3 to this application. He further submitted that in view of the period of detention of the petitioner in judicial custody, direction may be issued to the learned trial Court to expedite the trial and conclude the same within a specific period.

Learned counsel for the State opposed the prayer for bail and placed the evidence of the victim, who is a minor girl aged about fifteen years and she stated about the commission of rape by the petitioner.

In view of the available materials on record particularly the statement of the victim during trial and the nature and gravity of the accusation against the petitioner, at this stage, while not inclining to release the petitioner on bail, but taking into account the period of detention of the petitioner in judicial custody and the progress of the trial so far, I direct

the learned trial Court to expedite the trial and conclude the same by end of June 2022. The petitioner is at liberty to renew his prayer for bail, if the trial is not concluded within the aforesaid period.

Accordingly, the BLAPL is disposed of.

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

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

RKM

