

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8106 of 2021

Hrusikesh Sethy

.... ***Petitioner***
M/s.P.S.Nayak, Advocate

-versus-

State of Orissa

.... ***Opp. Party***
M/s.S.N.Das, A.S.C.

CORAM:

JUSTICE G. SATAPATHY

ORDER

21.10.2022

Order No.

11. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Binjharpur P.S. Case No.413 of 2020 corresponding to C.T. Special(POCSO) Case No.147 of 2020 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Jajpur for commission of offence punishable U/Ss. 448/376(3)/506 of I.P.C. read with Section 4(1) of POCSO Act on the allegation of committing rape and penetrating sexual assault upon the victim by trespassing into her house and threatening to take away her life.
3. In the course of hearing of the bail application, learned counsel for the petitioner submits that although the trial has progressed, the witnesses so far examined have not materially supported the prosecution case and the petitioner is inside the jail custody since 21.12.2020 and in the meanwhile around two years have passed but the trial is yet to be concluded. Learned counsel for the petitioner under the aforesaid submissions prays to enlarge the petitioner on bail.
4. On contrary, learned counsel for the State, by placing the statement of the victim submits that eight out of nineteen charge sheet witnesses have already been examined in this case and the petitioner is the prime suspect in this case and thereby, he is not entitled to bail.

5. Considering the rival submissions advanced on behalf of the parties and taking into consideration the pre-trial detention of the petitioner since 21.12.2020 and the fact that the trial has not yet been concluded and taking into further consideration that no materials is placed on record to indicate that the petitioner would abscond or tamper with the prosecution witnesses and the tender age of the petitioner and keeping the pace of progress of trial in view, this Court considers the bail application of the petitioner affirmatively.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial and that the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court and that the petitioner shall not commit similar type of offences while on bail.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge