

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9143 of 2022

Kaibalya Nag @ Riku* *Petitioner

Mr. S.J. Mohanty, Advocate

-versus-

State of Odisha* *Opp .Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
06.12.2022**

Order No.

04. 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 Melchhamunda P.S. Case No.15 of 2019 corresponding to C.T. Case No.05 of 2019 pending in the Court of learned Addl. Sessions Judge -cum- Special Court under POCSO Act, Bargarh for offences punishable under sections 363/366/376DA/417/342 of the Indian Penal Code and section 06 of the POCSO Act.

The petitioner moved an application for bail before the Court of Addl. Sessions Judge -cum- Special Court

under POCSO Act, Bargarh, which was rejected on 09.09.2022.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody in connection with this case on 11.02.2019 and out of forty charge sheet witnesses, eleven witnesses have been examined so far including the victim as P.W.6 and earlier when the petitioner approached this Court in BLAPL No.4580 of 2019 and BLAPL No.7154 of 2020, the same were rejected as the victim was not examined and liberty was granted to the petitioner to renew his prayer for bail after examination of the victim in the learned trial Court. It is further submitted that the victim has already been examined who has not supported the prosecution case and the petitioner is local man and there is no chance of his absconding and in view of slow progress of trial, the petitioner may be granted interim bail for some period.

Status report submitted by the learned trial Court dated 29.11.2022 indicates about examination of eleven witnesses including victim so far.

Learned counsel for the State has no serious objection for grant of interim bail to the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the victim, the slow progress of trial, the petitioner is a local man and there is no chance of absconding and further taking into account the period of

detention of the petitioner in judicial custody, while not inclining to release the petitioner on bail on merit, I am inclined to release the petitioner on interim bail for a period of three months from the date of release. 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 including the conditions that he shall not indulge in any criminal activities, shall not try to tamper with the prosecution evidence and shall appear before the learned trial Court on each date to which the case would be posted for trial during the interim bail period.

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