

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8232 of 2021

Jogendra Mallik **Petitioner**

Mr. Ashok Das, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. J.P. Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER

13.05.2022

07. 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.124 of 2019 arising out of Pattapur P.S. Case No.195 of 2019 pending in the Court of learned Additional Sessions Judge -cum- Special Judge (POCSO) Act, Berhampur, Ganjam for offences punishable under sections 376(2)n)/376(AB)/313/506 of the Indian Penal Code read with section 6 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Special Judge (under

POCSO Act), Berhampur, which was rejected on 02.09.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 30.09.2019 and earlier when he approached this Court for bail in BLAPL No.2978 of 2020, the same was rejected as per order dated 11.01.2021 and the petitioner was given liberty to renew the prayer for bail after examination of the victim in the trial Court. Learned counsel further submitted that in the meantime, the victim has already been examined in the trial Court as P.W.5 and therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that the victim is a minor at the time of occurrence and she has supported the prosecution case and it appears from her evidence that due to commission of rape on her by the petitioner, she became pregnant and the petitioner administered some medicine for causing miscarriage.

The status report submitted by the learned trial Court which is dated 05.04.2022 indicates that out of fifteen charge sheet witnesses, eight witnesses have been examined.

In view of the progress of the trial and the nature and gravity of the accusation against the petitioner, I

am not inclined to reconsider the prayer for bail. Accordingly, the prayer for bail stands rejected.

However, taking into account the period of detention of the petitioner in judicial custody, I direct the learned trial Court to conclude the trial by the end of this year. 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.

(S.K. Sahoo)
Judge

RKM