

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.9005 OF 2021

Dillip Rautia

Petitioner

Mr. B.Pujari, Advocate

-versus-

State of Odisha

Opposite Party

Mr. G.N. Rout, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

18.05.2022

BLAPL NO.9005 OF 2021

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This is the successive journey of the Petitioner in filing this Application under section 439 of the Cr.P.C. in connection with Melchhamunda P.S. Case No.48 of 2018 corresponding to C.T. Case No.18 of 2018 pending on the file of learned Special Judge (POCSO), Bargarh for commission of offence punishable under section-376(2)/506 of the IPC read with section-6 of the POCSO Act for reconsideration of the prayer for grant of bail to the Petitioner in the above mentioned case.
3. Learned Counsel for the Petitioner at the outset instead of pressing this bail application for hearing on merit, prays for its disposal considering the prayer for grant of interim bail to the Petitioner. He submits that although the Petitioner is in custody since 10.05.2018, the trial has not yet been completed. He further placing the evidence so far recorded submits that the prosecution story is not believable. It is submitted that for such long detention of the Petitioner in custody and in view of the progress of the trial at a such snail's pace, the Petitioner as well

as his family members are suffering a lot and the family members having been able to manage the situation till now, are no more able to continue with their day today living without help of this Petitioner for which presence of this Petitioner for at least 8 weeks at home at this hour stands as of necessity. He also submits that earlier the Petitioner being granted interim bail has not misused the liberty and having surrendered in custody. It is submitted that the Petitioner being a permanent resident of the district of Bargarh, there remains no scope on his part to flee from justice and the question of tampering the evidence at this stage does not arise as important witnesses have already deposed in the trial. In view of all these above; he urges for grant of interim bail to the Petitioner.

4. Learned Counsel for the State opposes the move, in view of the evidence already recorded in the trial implicating the Petitioner. He however, does not dispute the position that the Petitioner being in custody since 10.05.2018, the trial has not yet been concluded. It is explained that in view of the long prevailing Pandemic of COVID-19 situation, the delay has occasioned. He however submits to have not received any information as to misuse of the liberty during the period; the Petitioner was on interim bail.

5. Considering the submissions made, it is directed that the Petitioner be released on interim bail till 3rd July, 2022 on such terms and conditions as deemed just and proper by the Court in seisin of the case with further conditions that he will appear in person before the Court in seisin of the case on the date/dates falling during the period of interim bail; will appear before the IIC, Melchhamunda P.S. every Monday in between 10 am to 2

pm; will not leave the jurisdiction of the Court in seisin of the case without prior permission; and will surrender before the said Court on 4th July, 2022 positively.

6. The BLAPL is accordingly disposed of.
Issue urgent certified copy as per rules.

***(D. Dash),
Judge.***

Narayan

