

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10246 of 2022

Tuna @ Rana Pratap Choudhury ***Petitioner***

Mr.S.S.Ray-2, Advocate

-versus-

1. State of Odisha
2. Muni Nayak ***Opp.Parties***

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
07.12.2022**

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 Aska P.S. Case No. 02 of 2016 corresponding to S.T. Case No.28 of 2020 pending in the Court of learned Addl. Sessions Judge, Aska for offences punishable under sections 450/376-D/376(2)(n)/342/323/ 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 29.12.2019 and

in the meantime, in the trial Court out of twenty one charge sheet witnesses, six witnesses have been examined including the victim and the doctor and at this stage, there is no chance of tampering with the evidence and therefore, the petitioner may be granted interim bail for some period.

Learned counsel for the State opposed the prayer for bail on the ground that the victim being examined as P.W.1 has supported the prosecution case and implicated the petitioner in the case of gang rape.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the victim, while not inclining to release the petitioner on bail, but taking into account the period of detention of the petitioner in judicial custody, I direct learned trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order. The petitioner is at liberty to renew his prayer for bail, if the trial is not concluded within the said period.

With the aforesaid observation, the BLAPL stands disposed of.

(S.K. Sahoo)
Judge