

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10260 of 2022

Deepak @ Deepu Sahu* *Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha* *Opp .Party

Mr.Arupananda Das

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

08.12.2022

Order No.

02.

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 Jharsuguda P.S. Case No. 835 of 2019 corresponding to C.T. (Ses) Case No.35 of 2020 pending in the Court of learned Addl. Sessions Judge, Jharsuguda for offences punishable under sections 376D, 342, 323, 506, 120-B of the Indian Penal Code.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge, Jharsuguda, which was rejected on 10.10.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 31.12.2019 and

he was granted interim bail in BLAPL No.2021 of 2022 as per order dated 30.06.2022 on the ground of delayed disposal of trial and the fact that the prosecuting agency had failed to produce the victim before the learned trial Court for her examination and the victim's whereabouts was not known. Learned counsel further submitted that after availing the interim bail period, the petitioner surrendered at right time and at present in the learned trial Court, out of thirty five charge sheet witnesses, only ten witnesses have been examined, but the victim girl could not be traced out for which the trial is getting delayed and therefore, he may be granted interim bail for some period.

Learned counsel for the State opposed the prayer for bail.

Perused the status report dated 28.11.2022 furnished by the learned trial Court.

As per order dated 24.11.2022, learned counsel for the State has produced the report of the Inspector in-charge of Jharsuguda police station dated 29.11.2022 wherein it is mentioned that the victim girl was found absent in her village and nobody could able to know her present whereabouts. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the earlier interim bail order

and taking into account the report submitted on behalf of the State, 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 and 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 that while on interim bail, the petitioner shall not try to come in contact with the victim or any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial.

Violation of any 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