

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9334 of 2021

Jitendra Baliarsingh* *Petitioner

Mr.Mahes Das, Advocate

-versus-

State of Odisha* *Opp. Party

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

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

ORDER

07.01.2022

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 C.T. Case No.20 of 2021 arising out of Bamunigaon P.S. Case No.25 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Phulbani for offences punishable under sections 363/366/376(2)(n)/ 376(3)/506 of the Indian Penal Code read with section 6 of the POCSO Act.

The prayer for bail of the petitioner was rejected by the learned Additional Sessions Judge -cum- Special Judge (POCSO), Phulbani vide order dated

08.10.2021.

The petitioner's earlier bail application in BLAPL No.3110 of 2021 was rejected as per order dated 09.08.2021 mainly taking into account the age of the victim at the time of occurrence so also her 164 Cr.P.C. statement in which she implicated the petitioner in the commission of her rape and liberty was granted to the petitioner to renew his prayer for bail after examination of the victim in the trial Court.

Learned counsel for the petitioner submitted that the victim has already been examined as P.W.2.

On perusal of the evidence of P.W.2, it appears that the victim has supported the prosecution case.

In view of the available materials on record particularly the age of the victim and her evidence, at this stage, 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 the learned trial Court to expedite the trial and conclude the same by end of June 2022 by obtaining a list of witnesses to be examined further from the Public Prosecutor, summoning the witnesses accordingly and steps shall be taken to ensure the attendance of the witnesses by taking the assistance of the Inspector in-charge of Bamunigaon police station. 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

