

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9368 of 2021

Khokan Maiti @ Fukan* *Petitioner

Ms. Rita Singh, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. A.K. Beura,
Addl. Standing Counsel*

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

ORDER

25.02.2022

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 Special G.R. Case No.152 of 2019 arising out of Tangi P.S. Case No.229 of 2019 pending in the Court of learned Additional Sessions Judge -cum- Special Court under POCSO Act, Cuttack for offences punishable under sections 363/366(A)/376(3) 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 Additional Sessions Judge -cum- Special Court under POCSO Act, Cuttack, which

was rejected on 11.10.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 07.11.2019 and when he approached this Court earlier in BLAPL No.4264 of 2020, the bail application was rejected as per order dated 27.01.2021 however, liberty was granted to the petitioner 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 been examined in the trial Court as P.W.1.

On perusal of the evidence copy of the victim produced by the learned counsel for the petitioner, it appears that the victim, who is a minor girl, has supported the prosecution case and stated that the petitioner is a married person and committed rape on her for which she became pregnant and she gave birth to a male child.

In view of the evidence of the victim 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 submissions of the learned counsel for the petitioner that out of twenty charge sheet witnesses, seven witnesses have been examined and three witnesses have been declined by the prosecution, the learned trial Court

shall make every endeavour to conclude the trial by end of June 2022. 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 and for such purpose, the file be placed before the Registrar (Judicial) of this Court, who shall send a copy of the order to the Court concerned through e-mail.

Issue urgent certified copy as per Rules.



RKM