

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10242 of 2021

Hemanta Kumar Sahoo **Petitioner**

Mr. S. Dasmohapatra, Advocate

-versus-

1. State of Odisha

2. Ipsita Sahoo

.... **Opp. Parties**

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
08.07.2022**

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the State submitted that notice on the informant is sufficient.

None appears on behalf of the informant.

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 (POCSO) Case No.26 of 2020 arising out of Khamar Case P.S. Case No.45 of 2020 pending in the Court of learned Additional Sessions Judge -cum- Special Court, POCSO Act, Angul for offences punishable under sections 366/366/376(2)(n) and 506 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, POCSO Act, Angul, which was rejected on 30.09.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 11.05.2020 and though his earlier bail application in BLAPL No.3643 of 2020 was rejected as per order dated 02.02.2021 taking into account the age of the victim and her 164 Cr.P.C. statement, but direction was given to the learned trial Court to expedite the trial and take steps for examination of the victim at the first instance and the petitioner was given liberty to renew his prayer for bail after examination of the victim in the learned trial Court.

Status report was called for as per order dated 24.06.2022 and the learned trial Court has furnished the same vide letter dated 30.06.2022 from which it indicates that till date out of thirty one charge sheet witnesses, seven witnesses have been examined including the victim in the learned trial Court.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner, while not inclining to release the

petitioner on bail on merit but taking into account the period of detention of the petitioner in judicial custody, 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 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 during the period of interim bail. The Inspector in-charge of Khamar police station shall keep a close vigil over the activities of the petitioner during the interim bail period.

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

