

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9426 of 2020

Khageswar Patra* *Petitioner

Mr.S.C. Mohapatra, Advocate

-versus-

State of Odisha* *Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

10.01.2022

Order No.

08. This matter is taken up through video conferencing Mode.

Heard Mr. Soura Chandra Mohapatra, learned counsel appearing for the petitioner and Mr. A.K. Beura, learned Addl. Standing Counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with Special Case No.10 of 2018 arising out of Turumunga P.S. Case No.12 of 2018 pending in the Court of learned Additional Sessions Judge-cum- Special Judge, Keonjhar for offences punishable under sections 376(2)(i)/ 313/506 of the Indian Penal Code read with section 6 of the POCSO Act, 2012.

Mr. S.C. Mohapatra, learned counsel appearing for the petitioner submitted that the petitioner is in

judicial custody since 06.02.2018 and his first bail application in BLAPL No.325 of 2019 was rejected on 08.07.2019 and the petitioner was given liberty to renew the prayer for bail after examination of the victim in the learned trial Court. He further submitted that the victim has been examined in the meantime in the learned trial Court but on account of inordinate delay in disposal of the trial, the petitioner may be granted interim bail for some period as there is no chance of tampering with the evidence at this stage.

The status report of the learned trial Court dated 27.12.2021 indicates that out of fifteen charge sheet witnesses, eight witnesses have been examined.

Learned counsel for the petitioner on instruction submitted that the last witness i.e., P.W.8 was examined on 14.09.2021.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and in view of the statement of the victim, 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 and slow progress of the trial so far, I am inclined to release the petitioner on interim bail for a period of two months from the date of release. The

petitioner shall surrender before the learned trial Court immediately on expiry of two 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 his satisfaction with further terms and conditions as the learned Court may deem just and proper. While on interim bail, the petitioner shall appear before the learned trial Court on each date on which the date would be fixed for trial and he shall not indulge in any criminal activities in any manner.

Violation of any terms and conditions shall entail cancellation of interim bail.

Accordingly, the BLAPL is disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

(S.K. Sahoo)
Judge