**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No. 7642 of 2024**

| | | |
|---|---|---|
| ***Bhanja Kishore @ Sanjay @ Sanjeeb @ Raju Naik*** | ….. | ***Petitioner*** |
| | | *Mr. Satyajeet Rout, Advocate* |
| | Vs. | |
| ***The State of Odisha*** | ….. | ***Opp. Parties*** |
| | | *Mr. Satyabrata Panda, ASC* |

**CORAM:**

**JUSTICE SAVITRI RATHO**

**ORDER**

**06.12.2024**

(Through hybrid mode)

***Order No.***

01.

**1.** This is the second journey of the petitioner to this Court praying for bail in connection with Deogarh P.S. Case No.28 of 2020 corresponding to C.T. Case No.52 of 2020 which is now pending in the Court of learned Additional Sessions Judge, Deogarh as S.T. Case No.25-15 of 2020/2021 for commission of offences punishable under Sections 376 (2) (n)/370-A (2)/394/506 of IPC. Charge sheet has been submitted against the petitioner and others for commission of offences punishable under Sections 417, 342, 120-B, 376 (2) (n), 370( A) (2), 394, 506, of IPC, showing one Deepak Kumar Jain, his wife Arati Jain and one Dharmesh Singh as absconders.

**2.** BLAPL No. 1792 of 2021 had been dismissed as withdrawn on 21.06.2021 as the learned counsel for the petitioner submitted that he wants to move the learned court below for bail afresh. BLAPL No. 12227 of 2022 was disposed of on 22.11.2023 requesting the learned trial court to make an endeavour to complete the trial within a period of six months as the petitioner was in custody since 16.04.2020.

**3.** In BLAPL No. 12227 of 2022 in I.A. No. 542 of 2023, after perusing the report of the learned in-charge Additional Sessions Judge, Deogarh wherein it was stated that the new Additional District and Sessions Judge would take charge on 08.08.2023 and considering the submissions of the learned counsel for the petitioner that the parents of the petitioner were senior citizens aged about 65 and 60 years respectively and suffering from various old age ailments on 12.04.2023, the petitioner had been granted interim bail for a period of four months.

**4.** Mr. Satyajeet Rout, learned counsel for the petitioner submits that the petitioner is in custody since 16.04.2020 and the trial has not yet been completed in spite of the order dated 22.11.2023 passed by this Court in BLAPL No. 12227 of 2022. He further submits that the

petitioner has not misused the liberty granted to him while releasing him on interim bail, he may be released on regular bail or interim bail. He further submits that the petitioner is in custody since more than 4 years and his aged parents are suffering and the petitioner may be release on interim bail in order to look after their treatment and arrange for their maintenance.

**5.** Mr. Satyabrata Panda, learned Additional Standing Counsel opposes the prayer for bail stating that the allegations against the petitioner are heinous in nature. The victim was known to the petitioner and on his persuasion left her house with him on 28.12.2019. The petitioner took her to Madhya Pradesh where he kept physical relations with her forcibly and thereafter sold her to one Dharmesh who also kept physical relationship with her. The petitioner has taken away her mobile phone, a gold earring, silver paunji and cash of Rs.15,000/-. The victim was rescued by the Deogarh Police after she contacted her brother.

**6.** Perusal of the rejection order dated 25.06.2024 of the learned Additional Sessions Judge, Deogarh reveals that 10 out of 14 witnesses including the victim have already been examined in the

trial.

**7.** Considering the nature of allegations against the petitioner, as the trial is almost over, (only 4 out of 14 witnesses remain to be examined) and the decision of the Hon'ble Supreme Court in the case of ***X vrs. State of Rajasthan & Another (in Special Leave Petition (Criminal) No. 13378 of 2024)***: ***2024 INSC 909,*** I am not inclined to release the petitioner on bail. I also do not find any justification for releasing the petitioner on interim bail.

**8.** The BLAPL is accordingly dismissed.

**9.** It is open to the petitioner to renew his prayer for bail/interim bail in the learned trial court in case the trial is not completed by the end of February, 2025.

**10.** Copy of this order be sent to the learned trial court by the Registry.

**(Savitri Ratho)**
**Judge**

*puspa*

Signature Not Verified
Digitally Signed
Signed by: PUSPANJALI MOHAPATRA
Reason: Authentication
Location: Orissa High Court
Date: 06-Dec-2024 16:57:07