

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3524 of 2022

Divya Mohan Beero @ Petitioner
Dibya Mohan Bira

Dr. B.K. Mishra, Advocate

-versus-

1. State of Odisha

2. Smt. Namita Bardhan Opp. Parties

Mr. Rajesh Tripathy

Addl. Standing Counsel

*Mr. S.S. Ray-2, Advocate for
the informant*

CORAM:
JUSTICE S.K. SAHOO

ORDER
27.01.2023

Order No.

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

Learned counsel for the petitioner has produced the certified copy of deposition of the victim, who was examined as P.W.2 in the trial Court, which is taken on record.

Copy of the deposition has been served on the learned counsel for the State.

Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

This is an application under section 439 of Cr.P.C.

in connection with G.R. Case No.01 of 2020 arising out of Ramagiri P.S. Case No.50 of 2019 pending in the Court of learned Special Judge -cum- Additional Sessions Judge, Paralakhemundi, Gajapati for offences punishable under sections 342/506/376-AB/376(2)(n) of the Indian Penal Code, section 66-A of the Information Technology Act and section 6 of the POCSO Act.

The prayer for bail of the petitioner was rejected by the learned Additional Sessions Judge -cum- Special Judge, Paralakhemundi vide order dated 31.03.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 07.02.2020 and out of twenty six charge sheet witnesses, only two witnesses have been examined and since at this stage, there is no chance of tampering with the evidence, the bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for bail on the ground that the victim was aged about eleven years when the occurrence in question took place and being examined as P.W.2, she has supported the prosecution case.

Learned counsel for the informant also opposed the prayer for bail and submitted that after the occurrence, the victim was kidnapped.

Considering the submissions made by the learned counsel for the respective parties, in view of the age of the victim and her evidence as P.W.2 and the nature and gravity of the accusation against the petitioner, 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 and slow progress of the trial, I direct the learned trial Court to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of the order. 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