

(2022) 04 OHC CK 0005
In the Orissa High Court
Case No : Criminal Appeal No. 113 Of 2022

Dinabandhu Pradhan

APPELLANT

Vs

State Of Odisha & Another

RESPONDENT

Date of Decision : 04-04-2022

Acts Referred:

Indian Penal Code, 1860 — Section 343, 363, 366, 376(2)(n), 376(3)
Protection of Children from Sexual Offences Act, 2012 — Section 6
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(2)(v)(va)

Citation : (2022) 04 OHC CK 0005

Hon'ble Judges : S.K. Panigrahi, J

Bench : Single Bench

Advocate : Suryakanta Dwibedi, G.Mohapatra

Final Decision : Dismissed

Judgement

S.K. Panigrahi, J

- 1.This matter is taken up by hybrid mode.
2. Heard learned counsel for the appellant and learned counsel for the State.
3. This is a successive application for bail in the appeal filed by the appellant on the ground that the trial of the T.R. Case No.97 of 2019 arising out of Nayagarh P.S. Case No.121 of 2019 has not been yet been concluded within the stipulated period by the court in seisin of the matter as fixed in the earlier rejection order dated 12.08.2021 of this Court.
4. On perusal of the record it is found that out of sixteen witnesses, three witnesses have been examined. Although the incriminating material evidence has not been elicited from the mouth of above three witnesses but other vital witnesses are yet to be examined by the court below. That apart, taking into consideration of age of the victim, i.e. 13 years at the time of incident and the offences i.e. under Section 363/366/376(2)(n)/376(3)/343 of the Indian Penal

Code read with Section 6 of the POCSO Act & Section 3(2)(v)(va) of the SC & ST (PoA) Act committed by the appellant, this Court is not inclined to enlarge the appellant on bail at this stage. Hence, the bail prayer of the appellant stands dismissed.

5. However, the learned court in seisin of the matter is directed to conclude the trial in the aforesaid case preferably within a period of five months. In case the trial could not be completed within the stipulated period, the petitioner is at liberty to move appeal bail afresh.

6. The CRLA is accordingly dismissed.

7. Issue urgent certified copy of this order as per Rules.

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