

(2023) 12 OHC CK 0069
In the Orissa High Court
Case No : Bail Application No. 10321 Of 2023

Jagdish Paik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 14-12-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 366, 376(2)(n), 376(3), 506
Protection of Children from Sexual Offences Act, 2012 — Section 4(2), 6
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(2)(v), 3(2)(va)

Citation : (2023) 12 OHC CK 0069

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : PVS Nanaji Achary

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 16.04.2021 in connection with Borigumma P.S. Case No.59 of 2021 corresponding to G.R. Case No.293 of 2021 vide T.R. Case No.34 of 2021 pending in the Court of learned Addl. Sessions Judge- cum- Special Court under POCSO Act, Jeypore for the alleged commission of offence under Sections 366/376(3)/376(2)(n)/506 of IPC read with Section 4(2)/6 of POCSO Act, read with Section 3(2)(v)/3(2)(va) of SC & ST (PoA) Act.
4. It is alleged that the petitioner committed rape on the victim, who was a minor girl at the relevant time. In the ongoing trial, the victim and other material witnesses have been examined.

5. Learned counsel for the petitioner submits that trial is progressing slowly and because of long detention of the petitioner in custody, certain serious domestic issues have cropped up, which requires his personal attention. Therefore, he prayed that he may be atleast released on interim bail.

6. Having regard to the submissions as above, the bail application is disposed of directing the Court below to release the petitioner on interim bail for a period of two months from the date of his actual release on such terms and conditions as he may deem fit and proper to impose.

7. After expiry of the aforesaid period, he may surrender to custody.

8. The BLAPL stands disposed of.

9. Issue urgent certified copy as per rules.

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