
(2021) 07 OHC CK 0259
In the Orissa High Court
Case No : Bail Application No. 4810 Of 2021

Pintu Dhangdamajhi @ Rout

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 30-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 366, 376(2)(i), 506
Protection of Children from Sexual Offences Act, 2012 — Section 6

Citation : (2021) 07 OHC CK 0259

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

Bench : Single Bench

Advocate : K. Behera, A. Pradhan

Final Decision : Disposed Of

Judgement

S.K. Sahoo, JÂ

This matter is taken up by video conferencing mode. Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 439 of Cr.P.C. in connection with G.R. Case No.21 of 2017 arising out of Koksara P.S. Case No.94 of 2017

pending in the Court of learned Addl. Sessions Judge -cum- Special Court under POCSO Act, Bhawanipatna for commission of offences punishable

under sections 366/376(2)(i)/506 of the Indian Penal Code and section 6 of the POCSO Act.

The petitioner moved an application for bail before the Court of learned Addl. Sessions Judge -cum- Special Court under POCSO Act, Bhawanipatna

which was rejected on 20.05.2021.

Learned counsel for the petitioner submitted that the petitioner is in judicial

custody since 18.12.2017 and till date, only ten witnesses out of 24 charge sheet witnesses have been examined and the last witness i.e. P.W.10 was examined on 13.08.2019. He further submitted that the victim is not appearing in Court inspite of repeated summons. On such submission, as per order dated 16.07.2021, a report was called for from the learned trial Court. The learned trial Court has submitted its report dated 22.07.2021, in which it is mentioned that summons were issued to the victim through Inspector in Charge of Koksara police station and Inspector in Charge of Jaipatna police station but the S.R. of summons returned by the Inspector in Charge of Jaipatna police station. It is further mentioned that in view of the lock-down imposed in the State, the progress of the trial is hampered and further mentioned that repeated summons and messages were issued through the Inspector in Charge of those two police stations through Superintendent of Police, Kalahandi and even though the notice was sent by registered post to the victim but it returned unserved as the addressee was absent, hence returned to sender.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody, the fact that since 13.10.2019, there is no progress in the trial and after going through the report furnished by the learned trial Court, I am inclined to release the petitioner on interim bail for a period of four months from the date of release and the petitioner shall surrender before the learned trial Court immediately on the expiry of the said period.

For the aforesaid period, let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper. While on bail the petitioner shall not try to keep any contact with any of the prosecution witnesses and shall not try to tamper with the evidence and shall appear before the learned trial Court on each date when the case would be posted for trial. Violation of any terms and conditions shall entail cancellation of interim bail.

The learned trial Court take immediate steps for examination of the victim in the meantime.

The BLAPL is accordingly disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available

in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's

Notice No.4587, dated 25th March 2020 as modified by Court's Notice No.4798 dated 15th April 2021.

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