

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4649 of 2021

Roshni Meher

....

Petitioner

Mr. D.P. Pattanaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
12.05.2022

Order No.

04. 1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner is an accused in C.T. Case No.536/66/04 of 2018-19, on the files of learned Additional Session Judge-Cum-Special Judge POCSO Act, Bargarh, arising out of J.G.R. No.536/66 of 2018, under Sections 450/307/302/34/120-B of IPC and is in custody since 08.12.2018.

4. Being aggrieved by the rejection of her application for bail U/s.439 Cr.P.C. by the learned Additional Session Judge-Cum-Special Judge POCSO Act, Bargarh, by order dated 23.07.2019 in the aforementioned case, the present BLAPL has been filed.

5. The petitioner is stated to be in custody since 08.12.2018. By order dated 24.06.2021 this Court, taking note that the petitioner is CCL had specifically directed for obtaining report regarding her conduct and also for production of Case Diary. The matter suffered

another adjournment on 03.11.2021. Today when the matter is called prayer is made on behalf of the State for adjournment to produce the Case Diary.

6. On perusal of the records of the office of the Advocate General, it is seen that by letter dated 24/28.06.2021 the IIC Bijepur District Bargarh was informed to produce the up-to-date Case Diary.

7. Since the same was not responded to, another letter dated 06.11.2021 was addressed to Superintendent of Police Bargarh and IIC Bijepur in the District Bargarh. But unfortunately, the case diary is not made available to this Court.

8. As noted petitioner is in custody since 08.12.2018 and cannot be allowed to suffer because of the apathy of investigating agency.

9. Proceedings of the High Court cannot be held hostage to the whims of the investigating agency and for their lackadaisical attitude, rights of an accused cannot be marginalized, needs no emphasis.

10. It is indeed disconcerting that the concerned District police administration have scant regard for the orders passed by this Court and have chosen to disregard repeated communication from the office of the Advocate General for submission of Case Diary for which the Case has to suffer adjournments.

11. It is fervently hoped that necessary corrective action shall be taken so as to make the Police machinery more responsive to the needs of administration of justice.

12. Considering the age of the petitioner and the period of custody this Court is constrained not to grant any further adjournment to the counsel for the State.

13. On a conspectus of the materials on record this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter

14. Registry is requested to send a copy of this order to Principal Secretary Home Government of Odisha, Director General of Police, Range DIG and the concerned Superintendent of Police.

15. Free copy of this order be made over to the learned Additional Standing Counsel.

16. Accordingly, the BLAPL stand disposed of.

17. Urgent certified copy of this order be granted as per rules.

Santoshi

(V. NARASINGH)
Judge