

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.393 of 2022

Ajay William Nawrang **Petitioner**

Mr. Devashis Panda, Advocate

-versus-

1. State of Odisha

2. Seema Barla

.... **Opp. Parties**

Mr. Arupananda Das

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

01.12.2022

Order No.

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

Heard learned counsel for the petitioner and learned counsel for the State. *सत्यमेव जयते*

This is an application for bail under section 439 of Cr.P.C. in connection with Special G.R. Case No.107 of 2020 arising out of Rajgangpur P.S. Case No.174 of 2020 pending in the Court of learned Additional Sessions Judge -cum- P.O., Children's Court, Sundargarh for offences punishable under sections 366-A, 342, 376(2)(n), 376(3), 109 of the Indian Penal Code read with section 6 and 17 of the POCSO Act.

Learned counsel for the petitioner submitted that the petitioner was taken into judicial custody on

20.07.2020 and at that time, the petitioner was seventeen years old and now he is a student of KIIT School of Social Sciences (KSSS), Bhubaneswar and prosecuting his studies in U.G. 2nd year Science. He further submitted that this Court has granted interim bail to the petitioner on some occasions for appearing in his Semester examinations and after availing the interim bail period, he surrendered in the Court below at right time and therefore, there is no chance of his absconding. It is further submitted that in the trial Court, out of twenty nine charge sheet witnesses, only seven witnesses including the victim have been examined. Mr. Panda, learned counsel for the petitioner pointed out from the evidence of the victim that some major contradictions are appearing in paragraphs nos.7 and 8 of the cross examination and urged that the bail application of the petitioner may be favourably reconsidered on merit.

Learned counsel for the State as per the order dated 04.11.2022, on instruction submitted that no DNA test has been conducted in respect of the child of the victim to determine the paternity aspect. He further submitted that there is no criminal antecedent against the petitioner.

Perused the social investigation report dated 14.10.2022 of the District Probation Officer, Sundargarh submitted by the learned counsel for the State from which it appears that the petitioner is very optimistic

about his career and there is a great ray of hope on his future.

Considering the submissions made by the learned counsel for the respective parties, the age of the petitioner at the time of occurrence and the fact that the petitioner is a student, the nature of accusation against the petitioner and the period of detention of the petitioner in judicial custody, the conduct of the petitioner in complying with the terms and conditions of interim bail orders granted in his favour and the progress of the trial so far, I am inclined to reconsider the prayer for bail on merit and direct the petitioner to be released on bail.

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 subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial and shall not try to tamper with the evidence.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

A copy of this order be communicated immediately to the learned trial Court i.e. learned Addl. Sessions Judge-cum- Presiding Officer, Children's Court, Sundargarh by the learned Registrar (Judicial) of this Court through e-mail and thereafter, if the bail bonds are filed, without waiting the certified copy of this order, learned trial Court shall do well to proceed to pass release order after verifying the documents in accordance with law and for such purpose, the file be placed before the learned Registrar (Judicial). Learned counsel for the petitioner undertakes to file the certified copy of this order before the learned trial Court by 06.12.2022.

