

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 585 of 2022

Uma @ Raju Naik

...

Petitioner

Mr. B.K. Behera-1, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. A. Pradhan,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.02.2022

Order No.

1.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 18.11.2021 on the strength of non-bailable warrant issued by the learned Court below by order dated 16.09.2019. Originally, the petitioner was arrested on 02.12.2015 in connection with Mahila P.S. Case No.118 of 2015 corresponding to Special G.R. Case No.78 of 2015 pending in the Court of learned Addl. Sessions Judge-cum- Special Court for the alleged commission of offence under Sections 363/366/376(2)(i)(n) of IPC read with Section 6 of POCSO Act.
4. The petitioner's bail application was allowed by the Court below on 20.02.2017. However, since there was no appearance from his side on the date fixed, i.e. on 16.09.2019, learned Court below directed issuance of NBW against him. The petitioner's bail application filed thereafter was rejected by order dated 20.01.2022 passed by learned Court below.

5. Having regard to the submissions made and the fact that the petitioner was earlier granted bail and there was default on his appearance on one date only, I am inclined to take a lenient view in the matter. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall not default in personal appearance on the date of posting of the case, failing which it would be open to learned Court below to pass adverse order against him.

6. BLAPL is accordingly disposed of.

7. 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, modified by Notice No. 4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

A.K. Rana

(Sashikanta Mishra)
Judge