

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 1179 of 2022

Raj Kishore Mallick	...	Petitioner Mr. S. Rath, Advocate
- Versus -		
State of Odisha	...	Opposite Party Mr. P. Tripathy, Addl. Standing Counsel

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
18.02.2022**

Order No.
1.

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 16.11.2021 having been arrested on the strength of NBW issued by learned Court below in Gop P.S. Case No.74 of 2015 corresponding to G.R. Case No.499 of 2015 pending in the Court of learned Special Judge, Puri for the alleged commission of offence under Sections 366(A)/376(3)/506/34 of IPC and Section 6 of POCSO Act.
4. It appears that originally the petitioner had moved this Court along with other accused persons in ABLAPL No. 2040 of 2019 and by order dated 29.04.2019 he was granted liberty to surrender and move for bail with further direction to the Court to dispose of the bail application on the same day. As it appears, the petitioner did not surrender. Subsequently, an NBW being issued, he was taken into custody. It is submitted

by learned counsel for the petitioner that because of communication gap between the petitioner and his lawyer, he could not appear in the case but undertakes to appear personally on each date of posting of the case henceforth.

5. Learned Addl. Standing Counsel for the State has opposed the prayer for bail by submitting that the petitioner's past conduct in fleeing from justice does not entitle him to any sympathetic consideration.

6. Considering the rival submissions and the materials on record, I am inclined to allow the prayer for bail but with stringent condition. 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 personally appear before the trial Court on each date of posting of the case, failing which the Court in seisin over the matter may pass appropriate orders to take him to custody again and further he shall not approach, threaten, coerce or pressurize the victim in any manner whatsoever.

7. BLAPL is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge