

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1582 of 2022

Manoranjan Mahanta @ Petitioner
Manararanjan @ Tinka

Mr.S.P. Das, Advocate

-versus-

State of Odisha & another Opp. Parties

Mrs.Susamarani Sahoo,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
26.08.2022

Order No.

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

Learned counsel for the State on instruction submitted that notice on the informant has been made sufficient.

None appears for the informant.

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 Special Case No.04 of 2021 arising out of Baria P.S. Case No.04 of 2021 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Keonjhar for offences punishable under section 376(2)(n) 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 Judge, Keonjhar, which was rejected on 10.02.2022.

Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 25.02.2021 and the earlier bail application of the petitioner in BLAPL No. 3560 of 2021 was rejected as per order dated 16.08.2021 and liberty was granted to the petitioner to renew his prayer for bail after examination of the victim in the learned trial Court. Learned counsel further submitted that in the meantime trial has already commenced and the victim has been examined as P.W.1 and at this stage, there is no chance of tampering with the evidence and therefore, the bail application of the petitioner may be favourably reconsidered.

Learned counsel for the State opposed the prayer for bail and submitted that the victim has got married at another place.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner, progress of trial and the fact that the victim has already been examined in the learned trial Court, while not inclining to release the petitioner on bail on merit, I am inclined to

release the petitioner on interim bail for a period of three months from the date of release and the petitioner shall surrender before the learned trial Court immediately on expiry of the three months period.

For the above period, let the petitioner be released on interim bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further terms and conditions that while on interim bail, the petitioner shall not try to come in contact with the victim nor any of the prosecution witnesses or tamper with the evidence, he shall not indulge in any criminal activities and he shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

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

Accordingly, the BLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge