

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2462 of 2022

Chagala Naik

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

13.05.2022

Order

No.

01.

1. This matter is taken up through hybrid mode.
2. Heard the learned counsel for the Petitioner and the learned counsel for the State.
3. The Petitioner being in custody in Special (POCSO) Case No.25 of 2017, arising out of Kaniha P.S. Case No.56 of 2017, pending in the Court of Additional District Judge-cum-Special Court under POCSO Act, Angul, has filed this petition for his release on bail. The offences alleged against him are punishable under Sections 376(2)(n) and 506 of I.P.C. read with Section 6 of the POCSO Act.
4. It appears that the Petitioner was released on bail as per the orders of this Court, but when he defaulted in appearance before the court below, N.B.W.(A) was issued against him and he has been taken to custody on 8th April, 2019. His prayer for bail was refused by the court below.

5. However, learned counsel for the Petitioner submits that due to communication gap between the Petitioner and his advocate, he could not appear before the court below and he is in custody for more than three years and also trial in the aforesaid case is yet to be concluded. Hence, he be released on bail, as he is ready to give an undertaking that he would appear before the court below in the aforesaid case regularly and cooperate with the trial.

6. Considering the aforesaid facts and submissions made, I am of the view that the Petitioner in this case deserves to be released on bail.

7. Hence, the Petitioner be released on bail in the aforesaid case by the Court in seisin over the matter on such terms and conditions as it would deem just and proper including the condition that he shall appear in person before the Court in seisin over the matter on each date, except on exceptional circumstances, to which the case against him stands posted, violation of which shall entail cancellation of bail.

8. The BLAPL stands disposed of accordingly.

9. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge