

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3583 of 2022

***Prasanta Kumar Mohanty @
Prasant***

....

Petitioner

Mr.Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, ASC for State

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
17.05.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with NALCO Township P.S. Case No.75 of 2022, corresponding to Spl. POCSO Case No.26 of 2022, pending in the file of learned Additional District Judge-cum-Special Court under POCSO Act, Angul, for commission of alleged offence under Section 354(B) of I.P.C. and Section 10 of POCSO Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.

4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 25.03.2022. It is further submitted that a false case has been foisted against the Petitioner at the behest of Commanding Officer when he refused to admit the children of his Higher Officer to his tuition. He further submits that Petitioner is an innocent person and is a local person and there is no chance of absconding or fleeing away from the hands of justice and any chance of tampering the material evidence. His further submission is that due to detention of the Petitioner in jail custody, his family members are suffering a lot. Accordingly, a prayer has been made to release the Petitioner on bail.

5. Learned counsel for the State vehemently opposes the bail application of the Petitioner on the ground that serious allegation has been made against the Petitioner in the present case. He, however, submits that if granted bail, stringent conditions may be imposed on the present Petitioner.

6. Having heard learned counsel for the parties and considering the custodial detention of the Petitioner and the peculiar facts and circumstances of the case, this Court is inclined to release the Petitioner on bail subject to stringent conditions. Let the Petitioner be released on bail subject to furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions :

- i) He shall not indulge in similar nature of offence;
 - ii) He shall appear before the trial court on each and every date and shall cooperate for early conclusion of trial;
 - iii) He shall not tamper with the prosecution evidence and shall not make any attempt to influence or threaten the witnesses;
 - iv) He shall provide his address as well as his phone number to the concerned Police Station and keep the same updated in the event the same is changed in future;
 - v) He shall appear before the concerned Police Station as and when required;
7. Violation of any of the terms and conditions shall entail cancellation of bail.
8. With the aforesaid observation the BLAPL stands disposed of.
9. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge