

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4608 of 2022

Nazir Khan

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mrs. S. Pattanaik, A.G.A.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

15.07.2022

Order No.

01.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.302/354(A)(2)/506, I.P.C. and Section 8 of the POCSO Act.

2. Heard Mr. S.K. Dash, learned counsel for the Petitioner as well as Mrs. S. Pattanaik, learned A.G.A. for the State-Opposite Party.

3. It is submitted that the Petitioner is inside custody since 18.11.2017 and in the meantime 9 witnesses were examined including the informant and the minor son of the deceased as well as other relevant witnesses. It is further submitted that neither the minor son of the deceased nor the informant, who is the elder daughter of the deceased did support the prosecution case and most of the witnesses have turned hostile.

4. Upon hearing Mrs. S. Pattanaik, learned Additional Government Advocate for the State-Opposite Party and perusal of the copies of the depositions of P.Ws.1 to 9 filed under

Annexure-2 series, it is directed to release the Petitioner on bail in connection with Birmitrapur P.S. Case No.160/2017 corresponding to Special G.R. Case No.120/2017 on such terms and conditions to be fixed by the learned A.D.J.-cum-P.O., Special Court (POCSO), Sundargarh as he deems just and proper including the condition that the Petitioner shall attend the trial court on each date fixed.

5. The BLAPL is accordingly disposed of.

6. An urgent certified copy of this order be granted on proper application.

(***B.P. Routray***)
Judge

B.K. Barik

