

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5126 of 2022

Bibhuti Bhusan Sahu

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

24.06.2022

Order

No.

01.

1. This matter is taken up through hybrid mode.
2. Mr. Durlabha Ranjan Mishra, learned counsel files a memo of appearance in Court today to appear on behalf of the Petitioner on being authorized by the learned counsel for the Petitioner. The same be kept on record.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. The Petitioner being in custody in Special POCSO Case No.52 of 2018, corresponding to G.R. Case No.1436 of 2018, arising out of Chhendipada P.S. Case No.217 of 2018, pending in the Court of Judge, Special Court, Angul, has filed this petition for his release on bail. The offences alleged against him are punishable under Sections 363 and 376(2)(n) of I.P.C. read with Sections 4 and 6 of the POCSO Act, 2012.

5. It appears that the Petitioner was released on bail as per the order of this Court, but subsequently on 3rd May, 2022 when he defaulted in appearance before the court below, N.B.W.(A) was issued against him. Pursuant to which, he having been taken to custody and his prayer for bail was refused by the court below, as case was lingering since 2018, he has come to this Court for bail.

6. However, learned counsel for the Petitioner submits that due to communication gap between the Petitioner and his previous engaged advocate, he could not appear before the court below and he is in custody since 22nd May, 2022. 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.

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

8. 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 deposit cash security of Rs.10,000/- (Rupees ten thousand) before the trial court and 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.

9. The BLAPL stands disposed of accordingly.

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

(S. Pujahari)
Judge

DA

