

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5130 of 2022**

***Bida @ Bichitra Majhi***

.... ***Petitioner***  
*M/s. P.R.Mishra, Advocate*

**-versus-**

***State of Orissa***

.... ***Opp. Party***  
*M/s.M.Mishra, A.S.C.*

**CORAM:**

**JUSTICE G. SATAPATHY**

**ORDER**

**03.11.2022**

**Order No.**

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Dhusuri P.S. Case No.237 of 2019 corresponding to Special(POCSO) Case No.100 of 2019 pending in the Court of learned ADJ-cum-Special Judge, Bhadrak for commission of offence punishable U/Ss. 341/294/323/354-C/376(2)(n)/506/34 of the I.P.C. read with Section 6 of POCSO Act.
  3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner was released on provisional bail with direction to surrender to custody on a date but he could not surrender in the Court in time for which N.B.W. was issued against him and he was taken into custody on execution of N.B.W. It is further submitted that the petitioner is inside custody since 09.05.2022 and the petitioner may kindly be released on bail.
  4. On the contrary, learned counsel for the State submits that the petitioner was granted bail earlier during COVID-19 pandemic but he did not surrender as stipulated by such order granting bail and N.B.W. was issued but as against issuance of N.B.W.A., the petitioner came up before this Court in an application U/S. 482 of Cr.P.C. in which he was again granted bail on the condition of surrender before the Court but the

petitioner did not surrender in compliance to said order and subsequently arrested on execution of N.B.W. Learned counsel for the State states that the aforesaid conduct of the petitioner creates an embargo for his release on bail and it is accordingly prayed by him to reject the bail application of the petitioner.

5. Considering the rival submissions put forth as also the fact that the petitioner was earlier on bail and he is in custody since 09.05.2022 after arrest on execution of N.B.W. and keeping in view the personal liberty of a person on utmost priority and the fact that the petitioner must have felt the rigour of law for remaining in custody on account of his willful default in surrendering before the Court and regard being had to the other circumstance of the case, this Court, however, allows the prayer of the petitioner for grant of bail.

6. Hence, the Petitioner be released on bail on furnishing bail bonds of Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of the trial and the petitioner shall attend the trial Court on each date of posting of the case without fail and in case he fails to attend the Court, the learned trial Court shall issue N.B.W. against the petitioner and take him into custody. Learned Court in seisin of the case is also requested to examine the victim at the first instance in this case.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

**( G. Satapathy )**  
**Judge**