

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4275 of 2021

Dillip Kumar Mishra* *Petitioner

Mr.S. Das, Advocate

-versus-

State of Odisha* *Opp. Party

Mrs. Susamarani Sahoo

Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

23.09.2022

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the petitioner files the surrender certificate of the petitioner in Court today, which is taken on record.

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for bail under section 439 of Cr.P.C. in connection with Special G.R. Case No.15 of 2020 arising out of Birmaharajpur P.S. Case No.145 of 2020 pending in the Court of learned Additional Sessions Judge –cum- Judge, Special Court, Sonapur for offences punishable under sections 452/323/363/376(2)(n)/506 of the Indian Penal Code read with section 6 of the POCSO Act.

Learned counsel for the petitioner submitted

that the petitioner was taken into judicial custody on 04.08.2020 and his earlier bail application in BLAPL No.8109 of 2020 was rejected as per order dated 09.03.2020 relying on the 164 Cr.P.C. statement of the victim and the petitioner was granted liberty to renew his prayer for bail after examination of the victim in the learned trial Court. Learned counsel for the petitioner submitted that in the meantime trial has commenced and the victim being examined as P.W.1 and she has not supported the prosecution case. He files the certified copy of the deposition of the victim which is taken on record.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the period of detention of the petitioner in judicial custody and the change in the circumstances after rejection of the earlier bail application and the fact that the victim has not supported the prosecution case, I am inclined to reconsider the prayer for bail and direct the petitioner to be released on bail.

Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and

proper subject to conditions that the petitioner shall appear before the learned trial Court on each date when the case would be posted for trial.

Violation of any terms and conditions shall entail cancellation of bail.

The BLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge



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