

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5337 of 2022

Ballaba Digal

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

18.07.2022

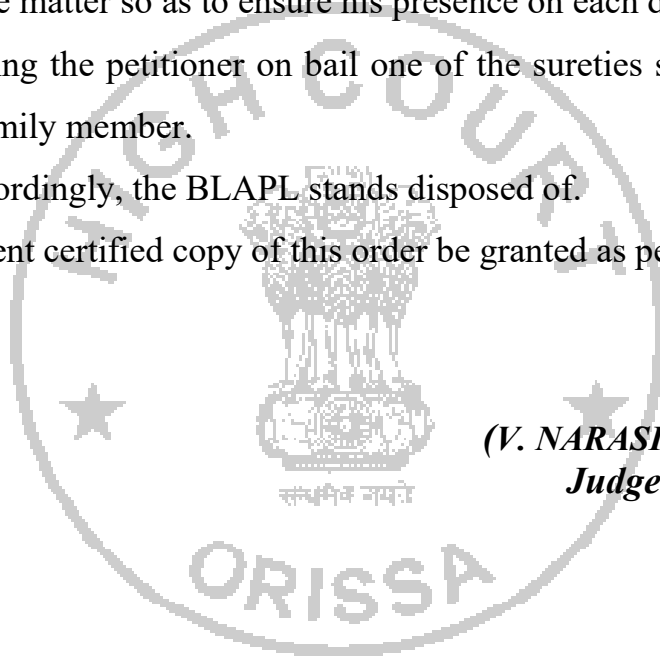
Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.50 of 2016, pending on the files of learned Ad-hoc Additional Sessions Judge (FTSC), Kandhamal, Phulbani, arising out of Phiringia P.S. Case No.56 of 2016 under Sections 376(2)(i)/506 of the IPC read with Section-6 of the POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Ad-hoc Additional Sessions Judge (FTSC), Kandhamal, Phulbani, by order dated 03.06.2022 in the aforementioned case, the present BLAPL has been filed.
5. Learned counsel for the petitioner submits that after being released on bail, because of supervening circumstances he could not appear on the date fixed for which the NBW was issued and, he was taken into custody.

6. The learned court in seisin over the matter specifically referring to Section 35 of the POCSO Act has observed that because of non-corporation of the petitioner there is procrastination of trial.
7. Learned counsel for the state also opposes the prayer for bail keeping in view conduct of the petitioner.
8. Considering the nature of the allegations and the earlier order passed by this court dated 05.04.2017 in BLAPL No. 4541 of 2016 releasing the Petitioner on bail, is directed that the petitioner shall be released on bail on such terms to be fixed by the learned court in seisin over the matter so as to ensure his presence on each date of trial. While enlarging the petitioner on bail one of the sureties shall be his immediate family member.
9. Accordingly, the BLAPL stands disposed of.
10. Urgent certified copy of this order be granted as per the rules.

Santoshi



(V. NARASINGH)
Judge