

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5441 of 2022

Harish Bihari

.... **Petitioner**

Mr. A.K. Das, Advocate

- Versus -

State of Orissa

.... **Opposite Party**

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.06.2022

Order No.
01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 20.05.2022 in connection with Kesinga P.S. Case No.200 of 2022 corresponding to C.T. Case No.55 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for the alleged commission of offence under Sections 354-A/354-D(1)(i)/506/34 of IPC read with Section 12 of POCSO Act.
4. It is alleged that when the victim was sleeping on the terrace of her house she felt someone touching her body and fondling her body parts, whereupon she woke up and shouted. Subsequently, the petitioner was found under the staircase of the house.
5. Considering the submissions as above as also the fact that there is no clear cut evidence regarding presence of the petitioner on terrace of the house, I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such

terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case without fail.

6. BLAPL is accordingly disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

