

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 6372 of 2022

Surya Prakash Behera

....

Petitioner

Mr. M. Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

05.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for the informant.
3. Learned counsel for the informant Mr. S. Sahoo submits that he has filed Vakalatnama. The same be traced and tag with the file. Name of Mr. S. Sahoo be reflected in the cause list and the case sheet of the NIC.
4. The petitioner is an accused in Spl. G.R. Case No.66 of 2022 pending in the file of learned Additional Sessions Judge-cum-special Judge under POCSO Act, Nayagarh arising out of Ranpur P.S. Case No.120 of 2022, offence under Sections 376(2)(n) of the IPC and under Section 4 & 6 of the POCSO Act.
5. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional sessions Judge-cum-Special Judge under POCSO Act, Nayagarh by order dated

21.06.2022 in the aforementioned case, the present BLAPL has been filed.

6. Learned counsel for the petitioner submits that taking into account the age of the petitioner and the nature of the allegations, since investigation has progressed substantially his further continuance in custody is not warranted.

7. Learned counsel for the State opposes the prayer for bail during the investigation.

8. Learned counsel for the informant submits that the family of the petitioner is very influential and is threatening victim and his family.

9. Considering the age of the petitioner and the nature of the allegations, this Court directs the petitioner to be released on bail on such terms to be fixed by the Court in seisin over the matter.

10. Additionally it is directed that the petitioner shall appear before the jurisdictional Police Station once every week till the conclusion of trial and shall not in any manner try to threaten or influence the victim and/or her family.

11. It shall be open to the victim to seek variance of this order, in the event there is any violation of stipulations regarding the conduct of the petitioner as stated above.

12. Accordingly, the BLAPL stands disposed of.

13. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi