

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6048 of 2021

Nakul @ Sachin Bara *Petitioner*

-versus-

State of Odisha & another *Opposite Parties*

CORAM: JUSTICE S.PUJAHARI

ORDER
24.06.2022

Order No.

04.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State so also learned counsel for the Informant
3. The Petitioner being in custody in (C.T) Special Case No.45 of 2020 arising out of Jharsuguda P.S. Case No.361 of 2020 pending in the court of learned Addl. Sessions Judge-cum-Special Court, POCSO, Jharsuguda, has filed this petition for his release on bail. The offences alleged against him are punishable under Section 376(3) IPC and Section 4 of the POCSO Act. The Petitioner has surrendered before the trial court in the meantime.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody for more than two years and the trial has not yet commenced. Therefore, the Petitioner be released on bail.

5. However, learned counsel for the State, drawing notice of the Court to the statement of the victim recorded under Section 164 Cr.P.C. so also other materials available on record, submits that the offence alleged is serious in nature and prescribes imprisonment for life. Therefore, the Petitioner should not be released on bail as the possibility of the Petitioner's release having an adverse impact on a free and fair trial is not ruled out.

6. Considering the facts and submissions made especially, the nature of accusation, incriminating materials collected during the investigation indicates the indictment of the Petitioner in such heinous and serious offence, circumstances in which the offence stated to have been committed so also the punishment provided on conviction being imprisonment for life, this Court is not inclined to release the Petitioner on bail since possibility of the Petitioner's release having an adverse impact is not ruled out in the event of his release on bail.

7. Therefore, the prayer for release of the Petitioner on bail stands rejected.

8. Accordingly, this BLAPL stands disposed of being dismissed.

(S. Pujahari)
Judge