

IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.7605 of 2022

Jayakrushna Behera

.... ***Petitioner***

Mr. S.K. Joshi, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. K. Das, A.S.C.

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
11.10.2022

Order No.
02.

1. The prayer for bail is under Sec.439 Cr.P.C. and the offences alleged are under Secs.376/511, I.P.C. and Sections 8/18 of the POCSO Act.
2. Heard Mr. S.K. Joshi, learned counsel for the Petitioner as well as Mr. K. Das, learned A.S.C. for the State-Opposite Party.
3. It is submitted on behalf of the Petitioner that he is inside custody since 22.7.2019 and in the meantime though 9 witnesses have been examined in course of trial, but neither the victim nor her mother (the informant) could be examined despite repeated attempts made by the court. It is further submitted that all such witnesses examined have not supported prosecution case.
4. Upon hearing Mr. K. Das, learned Additional Standing Counsel for the State-Opposite Party and considering the period of detention of the Petitioner inside custody as well as delay in examining star witnesses of the case, it is directed to release the

Petitioner on bail in connection with Kantabanji P.S. Case No.125/2019 corresponding to Special G.R. Case No.67/2019 on such terms and conditions to be fixed by the learned Additional District Judge-cum-Special Court under POCSO Act, Balangir or the court in seisin over the matter, as he deems just and proper including the condition that the Petitioner shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the court or tamper with the evidence, and shall attend the trial court on each date fixed.

5. The BLAPL is disposed of.

6. An urgent certified copy of this order be granted on proper application.

(**B.P. Routray**)
Judge