

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 9047 of 2022

Dharmananda Swain

....

Petitioner

Mr. G.C. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

21.10.2022

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.
3. The petitioner is an accused in Spl. G.R. Case No.33 of 2014, pending in the file of learned Additional Sessions Judge-cum-Special Court under POCSO Act, Cuttack, arising out of Athagarh P.S. Case No.118 of 2014, offence under Sections 363/366(A) & 376 of IPC read with Section 4 and 6 of the POCSO Act.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Court under POCSO Act I/C, Cuttack by order dated 12.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the communication dated 15.10.2022 of the learned Additional Sessions Judge-cum-Special Court under

POCSO Act I/C, Cuttack indicating that the case is lingering due to the non-appearance of the I.O.

6. Learned counsel for the petitioner submits that the petitioner was earlier released on bail by order dated 24.06.2014 by the learned Court in seisin over the matter but due to his non-appearance on the date fixed, NBW(A) was issued and on the strength of the said NBW(A) he was remanded to custody on 17.06.2022.

7. It is submitted by the learned counsel for the petitioner that non-appearance of the petitioner before the learned Court below on the date fixed was on the account of supervening circumstances and such non-appearance was not willful.

8. Taking into account that the case is lingering because of the non-appearance of the I.O. and considering that the petitioner was earlier released on bail, this Court directs the petitioner to 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. One of the sureties shall be the immediate member of the family of the petitioner.

10. Accordingly the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi