

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.8733 of 2021**

**Kanhu @ Kanhu Ch. Behera** .... **Petitioner**  
*Mr. D. Das Advocate*

*-versus-*

**State of Odisha** .... **Opp. Party**  
*Mr. S.N.Das,A.S.C.*

**CORAM:**

**JUSTICE GOURISHANKAR SATAPATHY**

**ORDER**

**07.09.2022**

**Order No.**

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
  2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Baselisahi P.S. Case No.98 of 2021 corresponding to Special G.R. Case No. 64 of 2021 relating to T.R. Case No.93 of 2021 pending in the Court of learned Addl. District Judge-cum-Special Court under POCSO Act, Puri for commission of offence punishable U/Ss. 376(2)(n)/506 of the I.P.C. along with offence under Section 4 of POCSO Act.
  3. In the course of hearing of the bail application, learned counsel for the petitioner submits that the petitioner is innocent person and has not committed any crime upon the victim which is clearly justified from the D.N.A. report. Hence, the present petitioner may also be released on bail.
  4. On contrary, learned counsel for the State vehemently opposes the bail application of the petitioner but he does not dispute with regard to the

findings of the D.N.A. report.

5. Considering the nature and gravity of the allegations in the peculiar facts and circumstance of the case and keeping in view the ailment of the petitioner suffering from diabetes and taking into consideration the custody period of the petitioner and the surrounding circumstance as well as the finding of the D.N.A. report, this Court feels it proper to enlarge the petitioner on bail.

6. Hence, the prayer for bail of the petitioner is allowed and the Petitioner be released on bail on furnishing bail bonds of Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the learned trial Court in seisin of the case on such terms and conditions as deem fit and proper with further conditions that the petitioner shall not leave the jurisdiction of the learned trial Court without prior permission till conclusion of trial in the case and the petitioner shall attend the trial Court on each date of posting of the case unless his attendance is dispensed with by the learned trial Court.

7. Accordingly, the BLAPL stands disposed of.

8. Urgent certified copy of the order be granted on proper application.

( *G. Satapathy* )  
*Judge*