

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9799 of 2022

Ripan Sahoo

....

Petitioner

Mr. S.K. Rout, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
26.10.2022

Order No.

01.

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 Special (POCSO) Case No.35 of 2016 pending in the file of learned Addl. District Judge-cum-Special Court under POCSO Act, Angul, arising out of Jarpada P.S. Case No.44 of 2016, for commission of the alleged offence under Sections 341/323/363/366/140/120-B IPC and Sections 8/12 of the POCSO Act and is in custody since 29.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Addl. District Judge-cum-Special Court under POCSO Act, Angul by order dated 29.09.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner was directed to be released on anticipatory bail by order dated 28.06.2016 in ABLAPL No.9601 of 2016.
6. Subsequently due to his non-appearance on the date fixed, N.B.W(A) was issued against him, pursuant to which he has been taken to custody.
7. Learned counsel for the Petitioner, on instruction, submits that non-appearance of the Petitioner on the date fixed was unintentional but for the reasons beyond the control of the Petitioner. Hence, it is submitted that liberal view may be taken.
8. Learned counsel for the State opposes the prayer for bail, inter alia, on the ground that since the Petitioner has violated one of the conditions, he ought not to be released on bail.
9. Considering the age of the Petitioner and the circumstance in which he could not appear on the date fixed, as stated by the learned counsel for the Petitioner, 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.
10. Additionally, it is directed that one of the sureties shall be immediate member of the family.
11. Accordingly, the BLAPL stands disposed of.
12. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS