

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8935 of 2021

Achutananda Behera

....

Petitioner

Mr. Deepak Kumar Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

06.04.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Section 439 Cr.P.C. filed by the Petitioner for bail in connection with Derabish P.S. Case No.80 of 2021, corresponding to G.R. Case No.43 of 2021, pending in the file of learned Addl. Sessions Judge-cum-Special Judge-cum-Kendrapara, for commission of alleged offences under Sections 354/323/376(3)/506 of I.P.C. and Section 4 of POCSO Act.
3. Heard learned counsel for both the parties. Perused the FIR, Case Diary and statement of witnesses.
4. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e. 5.9.2021. It is further submitted that police after investigation submitted charge-sheet against the Petitioner. Relying upon the

161 statement of the victim girl, the learned counsel for the Petitioner submits that no case under Section 376 I.P. C is made against the Petitioner. Further it is submitted that the accused is in custody for more than six months.. Since the Petitioner is a resident of the locality, there is no chance of avoiding the trial of the case. He also submits that he is ready and will ing to abide by the terms and conditions, in the event of bail.

5. Learned counsel for the State vehemently objects the prayer for bail of the Petitioner. Accordingly, he no leniency should be shown to the present Petitioner, who involved in such crime. Accordingly, he urges for rejection of his bail application.

6. Having regard to the facts and circumstances of the case, considering the nature and gravity of offences alleged and the period of detention of the Petitioner, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local surety for the like amount to the satisfaction of the learned court in seisin of the matter subject to the following conditions :

- i) He shall not involve himself in any similar nature of offence;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. on every Sunday at 10 A.M. to 1.00 P.M. and report to the police;
- (iv) He shall not tamper with the prosecution evidence;

(v) He shall not influence or threaten any prosecution witness as well as victim girl and her family members and cooperate in the investigation;

(vi) He shall not try to make a call or meet the parents or deceased;

(vi) He shall provide his present address and mobile number to the I.O. and if any changes therein shall also be intimated to the I.O.;

(vii) He shall not leave the jurisdiction of the court without special permission from the court; and

(viii) Violation of any of the above conditions shall entail cancellation of the bail.

7. It is further directed that the court in seisin of the matter to verify the criminal antecedents of the Petitioner and impose any additional condition(s), if situation so warrants. This order shall remain valid in the event the court in seisin of the matter is satisfied that Petitioner has no criminal antecedents.

8. With the above direction, the BLAPL is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge