

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9011 of 2021

Srikanta Panda

.... ***Petitioner***
Mr. P.K.Panda, Advocate

-versus-

State of Odisha & another

.... ***Opposite Party***
Mr. P.C.Das, A.S.C.

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. Heard learned counsel for the Petitioner and learned counsel for the State.
3. Perused the F.I.R., case diary and other relevant documents as well as statements of the witnesses.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R.Case No.84 of 2021 arising out of Nuagaon P.S. Case No.93 of 2021 pending in the court of learned 2nd Additional District Judge-cum-Special Judge under POCSO Act, Berhampur for commission of alleged offence punishable under Sections 376(2)(n), 506/34 of the Indian Penal Code read with section 6 of POCSO Act.
5. It is submitted by learned counsel for the Petitioner that the Petitioner is in custody since 05.05.2021 and investigation of the

case has been completed and charge-sheet in the case has been submitted. He further submits that the victim was major. It is also submitted by the learned counsel for the Petitioner that from the medical report submitted by the Doctor does not disclose that the Petitioner has committed rape on the victim. Further he submits that the petitioner is a permanent resident of Ganjam district, therefore there is no question of absconding or fleeing away from the hands of justice and in the event he is released on bail he will attend the trial court on each date of posting.

7. Leaned counsel for the State, on the other hand, opposes the prayer for bail of the Petitioner and submits that the victim is a minor girl.

8. Considering the submissions made by the parties and the period of custodial detention of the Petitioner and the medical report submitted by the Doctor which does not disclose sexual assault on the victim, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever;
- III. he shall not make any default in attending the court during trial on each date without fail;
- IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial; and

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is open for the court in seisin over the matter to impose other conditions as may be deemed just and proper.

10. The Bail Application is accordingly disposed of.

11. Urgent certified copy of this order be granted on proper application.

RKS

(*A.K. Mohapatra*)
Judge

