

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

**BLAPL No.9347 of 2021**

***Bibekananda Pattanaik***

***.... Petitioner***  
***Mr.S.K.Sarangi, Advocate***

***-versus-***

***State of Odisha***

***.... Opposite Party***  
***Mr. K.K.Nayak, A.S.C.***

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**23.02.2022**

**Order No.**

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with T.R.Case No.416 of 2021 pending in the Court of the learned Additional Sessions Judge-cum-Special Judge, Bhubaneswar, Khurda which arises out of Khurda Model P.S.Case No.366 of 2021 for commission of an alleged offence under Sections 341,323,307,354-A, 379,294,506/34 of the Indian Penal Code read with Section 12 of POCSO Act.
4. Learned counsel for the Petitioner submits that the Petitioner is in custody since 15.09.2021 and he has been falsely implicated in this case by the victim. It is submitted by the learned counsel for the Petitioner that co-accused has already been released on bail by the order dated 20.01.2022 of this Court passed in BLAPL No.10146 of 2021.

5. Learned counsel for the State on the other hand opposes the prayer for bail of the petitioner and submits that if he is released on bail, he may abscond causing delay in disposal of the case.

6. Having heard learned counsel for the parties and considering the nature and gravity of the allegation and keeping in view the fact that co-accused has been released on bail by the order of this Court in BLAPL No.10146 of 2021, as well as the custodial detention of the Petitioner, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the court in seisin over the matter subject to the following terms and conditions

- i) he shall appear in person before the court in seisin of the case on each and every date of posting of the case till conclusion of the trial
- ii) shall not threaten or terrorize the prosecution witnesses in any manner whatsoever
- iii) shall not make any attempt, approach, contract or influence the victim in any manner.
- iv) Violation of any of the terms and conditions shall entail cancellation of bail.

7. The Bail Application is accordingly disposed of.

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

RKS

( **A.K. Mohapatra** )  
**Judge**