

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10529 of 2022

Rajesh Singh Deo

....

Petitioner

Mr. T. Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

14.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The petitioner is an accused in S.A. Case No.90 of 2017, pending in the file of learned A.D.J.-cum-Special Judge, Nuapada, arising out of Komna P.S. Case No.158 of 2017, for commission of alleged offences under Sections 354-A of the IPC read with Section 8 of the POCSO Act and Section -3(2)(va) of the S.C. and S.T. (POA) Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Judge, Nuapada by order dated 05.09.2022 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted that the petitioner was released on bail in terms of the order passed by this Court dated 31.07.2017 in BLAPL No.10712 of 2017, he did not appear on the date fixed. He was taken into custody from 02.08.2022 on the strength of NBW(A) was issued on 28.06.2022.

5. It is submitted by the learned counsel for the petitioner that the non-appearance of the petitioner on the date fixed was on account of supervening circumstances and it's not willful.

6. Considering the submission, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin.

7. Keeping in view that the petitioner had on earlier occasion did not appear before the Court on the date fixed, this Court directs the petitioner to appear before the jurisdictional police station once every week on such date and time be fixed by the learned Court in seisin till conclusion of trial.

8. It shall be open to the informant/victim to seek variance of the order, since learned counsel for the State on instruction, submits that though the notice has been served on the informant/victim, he has not received confirmation of the same.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per the rules.

(V. NARASINGH)
Judge