

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.9730 OF 2021

Sumanta Mahananda

....

Petitioner

Mr. S.C. Mekap, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Samapika Mishra, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

18.01.2022

Order No.

01. 1. This matter is taken up through video conferencing mode.
2. The Petitioner being in custody in connection with Attabira P.S. Case No.126 of 2021 corresponding to C.T. Case No.29 of 2021 on the file of learned ADJ-cum-Special Court under POCSO Act, Bargarh running for commission of offence under section 363/376(2)(n) of the IPC, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Heard learned counsel for the Petitioner and learned counsel for the State.
4. Taking into account the submissions made; further keeping in view the materials on record including the statement of the victim recorded under section-161 & 164 of the Cr.P.C, as those stand against the Petitioner with other surrounding circumstances as also the period of detention of the Petitioner

in custody and on going through the order passed by the learned Sessions Judge; in the absence of any such impediment; it is directed that 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 of the case with further conditions that:-

1. he will not threaten or terrorize the prosecution witnesses including the victim in any manner; and
 2. will appear before the Court in seisin of the case on each date of posting of the case without fail.
5. The BLAPL is accordingly disposed of.
6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(D.Dash)
Judge

Narayan