

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9947 of 2021

Sipa @ Jibanratna Swain

....

Petitioner

Mr. D.K.Sahoo,
Advocate

-versus-

State of Odisha

....

Opposite Party

Miss S.Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.01.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. D.K.Sahoo, learned counsel for the Petitioner and Miss S.Mishra, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 1st October, 2021 on the strength of NBW issued by learned Fast Track Special Court (POCSO), Kendrapara in connection with Marsaghai P.S. Case No.363/2016 corresponding to G.R. Case No.1936(A)/2016 for the alleged commission of the offence under Sections 363/376 (2)(n)(i) of I.P.C. and Section 4 of the POCSO Act. It appears that the Petitioner was earlier on bail granted by this Court vide

order dated 13th September, 2017 in BLAPL No.6279/2017. However, it appears from perusal of the rejection order passed by the court below that on the date fixed, the Petitioner did not appear for which N.B.W. was issued and he was taken to custody thereafter. His application for bail filed before the court below being rejected, he has approached this Court.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner could not appear on the date fixed because of his preoccupation in the treatment of his mother and undertakes that he shall not default and appear before the court below henceforth.

5. Learned Addl. Standing Counsel for the State, on the other hand, has opposed the prayer for bail by submitting that the Petitioner was though earlier granted bail by this Court, yet he violated the conditions thereof.

6. Having regard to the submissions made and the materials on record, I am inclined to allow the prayer for bail. Let the Petitioner- Sipa @ Jibanratna Swain be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter including the condition that he shall appear before the trial court on each date of posting of the case without fail.

7. The BLAPL is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

