

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 11177 of 2022

Niranjan Deep

....

Petitioner

Mr. B. Dalai, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
15.12.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with Spl. G.R. Case No.64 of 2019, pending before the Court of the learned A.D.J.-cum-Special Court (under POCSO Act), Sambalpur, arising out of Kisinda P.S. Case No.54 of 2019, for alleged commission of offences under Sections 363/366/376(2)(n) of IPC read with Section 6 of POCSO Act.

3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Additional Sessions Judge-cum-Special Court (under POCSO Act), Sambalpur, by order dated 20.10.2022 in the aforementioned case, the present BLAPL has been filed.

4. Perused the order of rejection.

5. It is submitted by the learned counsel that the petitioner was released on bail by this Court by order dated 27.07.2020 in

BLAPL No.10618 of 2019. As the petitioner failed to appear on the date fixed, he has been taken into custody on 03.10.2022 on execution of NBW(A).

6. It is submitted that the non appearance on the date fixed was on account of over bearing circumstances and it was not intentional.

7. Taking note of the fact that the petitioner was in fact released on bail and taking into account the ground as advanced for non appearance on the date fixed, this Court directs the petitioner to be released on bail. Learned Court in seisin to fix the terms so as to ensure the presence of the petitioner on each date of trial.

8. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every week till conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

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

(V. NARASINGH)
Judge

Ayesha