

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10136 OF 2021

Brijlal Nial

....

Petitioner

Mr. Trilochan Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. Samapika Mishra, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

20.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioner being in custody in connection with Lakhna P.S. Case No.07 of 2021 corresponding to S.A. Case No.05 of 2021 on the file of learned District & Sessions Judge-cum-Special Judge, Nuapada running for commission of offence under section-363/376(2)(n)/366 of the IPC read with Section-6 of the POCSO Act, has filed this application under section 439 of the Cr.P.C. for his release on bail in the above mentioned case.
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 records including the statement of the victim 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 ADJ-cum-Special 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