

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10351 of 2021

Dhani @ Dhaneswar Barik

....

Petitioner

Mr. Pradipta Beura
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.A.Pradhan,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.01.2022.

Order No.

01.

1. This matter is taken up through virtual mode.
2. Heard Mr. Pradipta Beura, learned counsel for the Petitioner, and Mr. A. Pradhan, learned Addl. Standing Counsel for the State.
3. The Petitioner is in custody since 11th November, 2021 in connection with Khuntuni P.S. Case No.46/2018 corresponding to Special G.R. Case No.36/2018 pending in the court of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Cuttack for the alleged commission of the

offence under Sections 452/354-B/427 of I.P.C. read with Section 12 of the POCSO Act.

4. The Petitioner was earlier granted bail by the learned court below and because of his non-appearance, NBW was issued on the strength of which he was arrested and taken into custody on 11th November, 2021.

5. It is submitted that because of communication gap between the Petitioner and his counsel as also the fact that because of an accident he had sustained several bodily injuries, he could not properly instruct his counsel to take steps in the case on the date fixed.

6. Having regard to the submissions as above, the fact that the Petitioner was already released on bail by the learned court below as also the fact that the Petitioner was unable to appear on the date fixed because of bonafide difficulties, I am inclined to allow the prayer for bail.

7. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he shall appear before the trial court on each date of posting of the case without fail.

8. The BLAPL is disposed of.

9. 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, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

AKB



(Sashikanta Mishra)
Judge