

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.10434 of 2021

Babula Sethi@Babu Behera

....

Petitioner

Mr. B.N. Mahapatra, Advocate

-versus-

State of Orissa

....

Opposite Party

Ms. S. Mishra, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
29.03.2022

Order No.

02.

1. This is an application under Sec.439 Cr.P.C. for bail and the offences alleged are under Secs.363/354-A/342/376(2)(n)/506, I.P.C. and Sec.6 of the POCSO Act as per the charge-sheet dated 9.5.2019.

2. Heard Mr. B.N. Mahapatra, learned counsel for the Petitioner as well as Ms. S. Mishra, learned A.S.C. for the State-Opposite Party.

3. It is submitted that the Petitioner, who is a young boy aged about 23 years, is inside custody since 10.7.2019 and in the meantime 6 witnesses including the victim have already been examined in course of trial. It is further submitted that the victim and the Petitioner were in love relationship and stayed together at Hyderabad.

4. The copies of the depositions of some witnesses including P.W.5 (victim) have been filed by the Petitioner, which are kept on record.

5. After hearing learned A.S.C. for the State-Opposite Party and upon perusal of the evidence of the victim (P.W.5) as well as the circumstances of the case, it is directed to release the Petitioner on bail in connection with Chatrapur P.S. Case No.102/2019 corresponding to G.R. Case No.84/2019 on such terms and conditions to be fixed by the learned Additional District Judge-cum-Special Judge (POCSO), Berhampur as he deems just and proper including the condition that the Petitioner shall not dissuade any witness directly or indirectly by way of inducement, threat or promise acquainted with the facts of the case from disclosing such facts before the court or tamper with the evidence and shall attend the trial court on each date fixed.

6. The BLAPL is disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge