

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11493 of 2022

Sagar Mahanta

.... ***Petitioner***
Mr. A. Mishra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
20.12.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The petitioner being in custody in connection with Telkoi P.S. Case No.107 of 2018 corresponding to Special Case No.172/64 of 2022-2018 on the file of learned Additional Sessions Judge-cum-Special Judge (POCSO), Keonjhar running for alleged commission of offence under sections 376(3), I.P.C. and section 4 of the POCSO Act, has filed this application under section 439 of the Cr.P.C. for his release on bail.
3. Learned counsel for the Petitioner submits that the Petitioner was on bail since March, 2019 and for his absence before the Trial Court on 14.09.2022, N.B.W. of arrest had been issued against him and thereafter he having been arrested is in custody. He submits that such absence of the Petitioner was neither deliberate nor intentional and it was for the unavoidable circumstances beyond the control of the Petitioner and he having

instructed his counsel to take steps, the same has not been taken which has led to this situation. He further submits that after arrest the Petitioner has again remained in custody for more than two months. He, therefore, urges for grant of bail to the Petitioner on such terms and conditions as deemed just and proper.

4. Learned counsel for the State opposes the move in view of the misuse of liberty granted to the Petitioner.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the petitioner with other surrounding circumstances including the period of detention of the petitioner in custody; 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 he will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of trial.

6. The BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules.

(D. Dash)
Judge