

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10818 OF 2021

Babula Behera

.... ***Petitioner***
Mr.D. Mitra,Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
24.01.2022**

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioner being in custody in connection with Madhupatna P.S. Case No.213 of 2021 corresponding to Special G.R. Case No.156 of 2021 on the file of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Cuttack running for commission of offence under section 365/109 of the IPC read with section-17 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 as also the manner of happening of the incident and the role said to have been played by this Petitioner with other surrounding circumstances including the period of detention of the Petitioner in custody

and on going through the order passed by the learned Addl. Sessions Judge-cum-Special Court under POCSO Act, 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 the Petitioner will appear in person before the Court in seisin of the case on each and every date of posting of the case; and will not threaten or terrorize the prosecution witnesses in any manner.

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