

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11511 of 2021

Ram Niwas Barma

....

Petitioner

Mr. S. Mohanty, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

10.02.2022

Order No.

02. 1. The matter is taken up through hybrid mode.
2. This is an application under Section 439 of the Cr.P.C. for bail.
3. Heard learned counsel for the petitioner and learned counsel for the State.
4. The petitioner is an accused in Brajanagar P.S. Case No.114 of 2014 corresponding to T.R. Case No.19 of 2014 of the court of learned Addl. District Judge-cum-Special Judge (POCSO), Jharsuguda for commission of offence under Sections 363, 370-A, 377 of the IPC read with Section 4 of the POCSO Act.
5. The case of the prosecution, in brief, is that on 30.04.2014, at about 5 P.M., the petitioner took the son of the informant to an abandoned house near the Orient Paper Mill and committed unnatural sexual intercourse with him. Thereafter he left him near the Achana Petrol Pump.

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The petitioner is in custody since 22.08.2020. Therefore, he prays that the bail application may be allowed.

7. Learned counsel for the State vehemently opposes the bail application relying on the statement of the victim boy.

8. Considering the facts of the case, the BLAPL is allowed.

9. Let the petitioner be released on bail in the aforesaid case by the court in seisin over the matter for a period of one month to be reckoned from the date of his release on such terms and conditions as deemed just and proper. The petitioner shall not mis-use the liberty granted to him during the bail period.

10. After expiry of interim bail period, the petitioner shall surrender himself before the court failing which warrant of arrest shall be issued for his production.

11. The BLAPL is disposed of.

12. Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge

PCD