

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11636 of 2021

Shankar Majhi @ Sankar Majhi

Petitioner

Mr.S.K. Dwibedi, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. R. Tripathy, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

31.01.2022

Order No.

01. 1. This matter is taken up through video conferencing mode.
2. The Petitioner being in custody in connection with Bhawanipatna Sadar P.S. Case No.425 of 2021 corresponding to C.T. Case No.104 of 2021 (POCSO) on the file of the learned Additional Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna running for commission of offence under sections 363/376(2)(n) of the IPC read with section 6 of POCSO Act, has filed this application under section 439 of the Cr.P.C. for his release on bail.
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 including the statement of the victim as those stand against the Petitioner with other surrounding circumstances as also the period of detention of the

Petitioner in custody and on going through the order passed by the learned Additional 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 he will not terrorize or threaten the prosecution witnesses including the victim; and will appear in person before the court in seisin of the case on each date of posting of the case till conclusion of the trial.

Violation of any of the above condition(s) shall entail cancellation of bail.

5. The BLAPL is accordingly disposed of.

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