
(2021) 07 OHC CK 0092

Orissa High Court

Case No: Bail Application No. 271 Of 2021

Debaraj Banara

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: July 13, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 164, 439
- Indian Penal Code, 1860 - Section 376(1), 506
- Protection of Children from Sexual Offences Act, 2012 - Section 6

Citation: (2021) 07 OHC CK 0092

Hon'ble Judges: S. K. Sahoo, J

Bench: Single Bench

Advocate: S. Jena, D.K. Pani

Final Decision: Disposed Of

Judgement

S.K. Sahoo, J

1. This matter is taken up by video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This is an application under section 439 Cr.P.C. in connection with C.T. (Spl. (P) Case No.56 of 2016 arising out of Nihal Prasad P.S. Case No.125 of 2016 pending in the Court of learned Judge, Special Court (POCSO), Dhenkanal for offences punishable under sections 376(1)/506 of the Indian Penal Code read with section 6 of the Protection of Children from Sexual Offences Act.

4. Learned counsel for the petitioner submitted that the petitioner is in judicial custody since 26.04.2017 and he has been charge sheeted under

sections 376(1)/506 of the Indian Penal Code read with section 6 of the Protection of Children from Sexual Offences Act. He further submitted that

out of nineteen charge sheeted witnesses, twelve witnesses have already been examined including the victim and at this stage, there is no chance of

tampering with the evidence and therefore, the bail application of the petitioner may be favourably considered.

5. Learned counsel for the State has placed the evidence of the victim who has been examined as P.W.2 in the learned trial Court.

6. Considering the submissions of learned counsel for the respective parties, the nature of accusation against the petitioner and the progress of trial so

far and the period of detention of the petitioner in judicial custody, I am inclined to release the petitioner on bail.

7. Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with two solvent sureties

each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just

and proper.

8. The BLAPL is accordingly disposed of.

9. 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.