



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.1536 of 2026

Rabindra Nayak @ Rabi @ ... ***Petitioner***
Bishnu Mohan Nayak

Mr. R. Mohapatra, Advocate

-versus-

State of Odisha and another ... ***Opposite Parties***

Mr. R.B. Mishra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):16.04.2026

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Simulia PS Case No.525 of 2025 corresponding to Special Case No.348 of 2025 pending in the file of learned Additional District Judge-cum-Special Court under POCSO Act, Balasore, for commission of offences punishable U/Ss.126(2)/118(1)/75 of BNS r/w Section 12 of POCSO Act, on the main allegation of molesting the victim and sexually harassing her.
3. Heard, Mr. Ratikanta Mohapatra, learned counsel for the petitioner and Mr. R.B. Mishra, learned Additional Public Prosecutor in the matter and perused the record. None appears for the victim despite being duly intimated as apprised by learned Addl. PP.
4. After having considered the rival submissions upon perusal of record, there appears prima facie allegation against the petitioner for committing aggravated sexual assault, but the IO in his wisdom has



submitted charge-sheet U/S.12 of the POCSO Act instead of for offence U/S.10 of POCSO Act, however, the punishment prescribed for Section 10 of POCSO Act is five years, but which may extend to seven years and right now, the petitioner is in custody since 30.10.2025, however, no material has been produced to suggest that trial has already commenced. Besides, the accused is presumed in law to be innocent until proven guilty at the trial and there is no material to indicate that the petitioner would abscond or not make him available for the trial, if released on bail. In the aforesaid facts and circumstance and taking into account the detention of the petitioner in custody with submission of charge-sheet in the meantime and last but not the least, considering the advanced age of the petitioner at 63 years, this Court without expressing any view on merits admits the petitioner to bail, but subject to certain conditions.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) only with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

(i) the petitioner shall not contact the victim in any way or any manner and he shall not visit to the house or place of residence of the victim till disposal of the case,

(ii) the petitioner shall not engage anybody including his family members to threaten, induce, influence or coerce any of the



witnesses including the family members of the victim acquainted with the facts of the case so as to dissuade them from disclosing such facts before the Court,

(iii) the petitioner shall not allure the victim or her family members not to disclose the facts with which she is acquainted or what has happened to her before the Court, and

(iv) the petitioner shall report attendance before the jurisdictional Police Station once in a fortnight preferably on 2nd Sunday of the month in between 10 A.M. to 12 Noon for three(03) months from the actual date of his release from the custody.

6. The I.I.C. of Jurisdictional Police Station shall not detain the petitioner unnecessarily after recording his attendance beyond the time as stipulated. This Court, however, reserves liberty to the informant and the State to file appropriate application for cancellation of bail, if any of the conditions are violated or a case for cancellation of bail is otherwise made out. It is made clear that in such event for being approached for cancellation of bail, the learned trial Court would be at liberty to pass appropriate order in accordance with law without further reference to this Court.

7. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge