



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.1122 of 2025

(In the matter of application U/S.14-(A)(2) of SC & ST Prevention of Atrocities Act, 1989.

Sania Gouda & Another ***Appellants***

-versus-

State of Odisha & Another ***Respondents***

For Appellants : Mr. S.K. Jena, Advocate

For Respondents : Mr. S.C. Pradhan, Addl. PP
Mr. S. Sharma, Advocate
(informant)

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:29.07.2026(ORAL)

G. Satapathy, J.

1. Mr. Sarat Kumar Jena, learned counsel for the appellants by filing a memo prays to not press the criminal appeal of appellant No.1- Sania Gouda and accordingly, Criminal Appeal qua the appellant No.1- Sania Gouda stands disposed of as not pressed and the present Criminal Appeal is only confined to appellant No.2- Siba Nahak.



2. This Criminal Appeal in nature of Section 14-A of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 together with amendment Act, 2016 (in short, "the Act") by the appellant-Siba Nahak is directed against the impugned order dated 21.07.2025 passed in GR Case No.12 of 2025 by which the learned Addl. Sessions Judge-cum-Special Judge, Chatrapur, Dist-Ganjam has refused to grant bail to the appellant in connection with Ganjam PS Case No.209 of 2025 for commission of offence punishable U/Ss.126(2)/ 296/ 115(2)/ 118(1)/ 117(2)/ 109/ 351(2)/ 351(3)/ 3(5) of BNS r/w Sec.3(1)(r)(s) /3(1)(s)/3(2)(va) of the Act, on the main allegation of attempting to the life of the injured Rinki Behera and Bhima Tarei @ Tarai belonging to SC community by assaulting them with deadly weapons along with co-accused by taking advantage of the caste of the injured persons.

3. In the course of hearing Mr. Sarat Kumar Jena, learned counsel for the appellant submits that not only the appellant has remained in custody for one year, but in the meantime, materials witnesses have already been



examined, however, the trial is yet to be concluded and therefore, the appellant may kindly be admitted to bail. In opposing such prayer for bail of the appellant-Siba Nahak, Mr. Subham Sharma, learned counsel for the informant, however, submits that not only the informant had sustained injury, but also the injured Bhima Tarei had sustained numerous serious injuries due to the assault by the appellant and others and the health condition of the injured Bhima Tarei is not well and the injured is under medical supervision. Further, Mr. Sharma, submits that alleged incident was witnessed by the informant and injured himself and they have vividly described the acts done by the appellant and others in their evidence and the injured Bhima Tarei having suffered serious injuries, which are opined by the doctor to likely cause death of a person in ordinary course of nature, if the weapon of offence as used in this case is used with force and therefore, the ingredients of offence U/S.109 BNS being strongly attracted against the appellant, the Criminal Appeal by the appellant deserves



to be dismissed. Accordingly, Mr. Sharma prays not to grant bail to the appellant in this appeal.

3.1. On the other hand, Mr. S.C. Pradhan, learned Addl. PP, however, strongly opposes the bail prayer of the appellant-Siba Nahak by contending inter alia that the appellant is one of the assailants and he is prima facie involved in this case.

4. After having considered the rival submission upon perusal of record, there appears allegation against the appellant and others for assaulting the informant and the injured to cause serious injuries to them, but the appellant is in custody since 02.07.2025 and in the meantime, the trial is yet to be concluded even after more than one year of the custody of the appellant, however, the material witnesses like informant Rinki Behera and Bhima Tarei have already been examined in the trial and thereby, there is hardly any scope for the appellant to tamper with the evidence of the material witnesses. Besides, there are other charge-sheeted witnesses and the trial would definitely take some considerable time. It is also a fact that the bail is the rule,



but jail is the exception since an accused in a criminal trial is presumed to be innocent until proven guilty. Additionally, when the trial would be concluded is still a guess. No doubt, the injured Bhima Tarei had sustained serious injuries, but he appears to be in right health condition as he had already testified in the Court. In the aforesaid facts and circumstances and taking into account the pre-trial detention of the appellant in custody keeping in view the surrounding circumstance on record in entirety, this Court considers it proper to admit the appellant-Siba Nahak to bail, but subject to certain conditions.

5. Hence, the Criminal Appeal stands allowed and the impugned order is hereby set aside. Consequently, the appellant Siba Nahak is directed to be released on bail on such terms and conditions as deems fit and proper by the learned Court in seisin over the matter with certain conditions:-

(i) The appellant shall not contact the informant and the injured and their family members;



(ii) The appellant shall not threaten/ influence/ induce/ coerce any of the witnesses including the informant and injured and their family members acquainted with the facts of the case so as to dissuade them disclosing such facts before the Court & the appellant shall co-operate the trial &;

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

6. Accordingly, the CRLA stands disposed of. A copy of this order be immediately communicated to the concerned Court.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 29th day of July, 2026/Jayakrushna*

Signature Not Verified

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 29-Jul-2026 18:41:06