

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.20 of 2022

Tuku @ Shiba Naik

.... ***Appellant***
Mr.Suresh Kumar Jena, *Advocate*

-versus-

State of Odisha & another

.... ***Respondents***
Mr.M.K.Mohanty,A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
29.03.2022

Order No.

- 9.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. This appeal has been directed against the order dated 03.01.2022 passed by the learned Judge, Special Court, Angul in C.T.(Spl) No.56 of 2021 arising out of Angul Sadar P.S.Case No.710 of 2021 in rejecting the bail petition filed by the appellant.
 3. Heard learned counsel for the Appellant as well as learned Additional Standing Counsel.
 3. The brief facts of the prosecution case is that the husband Respondent No.2 and the appellant had a previous dispute between them. On the relevant day the present appellant and other villagers came to the house of Respondent No.2 and started quarrel with her husband. When the Respondent No.2 intervened between them, at that time the appellant and others have assaulted the husband of Respondent No.2 and also tried to outrage her modesty and abused in filthy languages by aspersing her caste.
 4. It is submitted by the learned counsel for the Appellant that the

Appellant is in custody since 23.12.2021 and the investigation of the case has been completed and charge sheet has been filed by the Police. It is further submitted by the learned counsel for the Appellant that the learned court has not applied its judicial mind in passing the order of refusal bail. He further submits that the Appellant is a local man having his residence in the village, there is no chance of his absconding and in the event he is released on bail, shall appear before the trial court on each and every date.

6. Learned Additional Standing Counsel vehemently opposes the prayer for bail of the Appellant and submits that the prayer for bail of the Appellant should be rejected.

7. Having heard the learned counsel for both the parties and considering the materials on record and the period of custodial detention of the Appellant, I am inclined to release the Appellant on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) shall cooperate with the trial of the case and shall appear in court on each and every date to which the case is posted.
- ii) shall not indulge in any offence of similar nature
- iii) shall not threaten or terrorise the witnesses while on bail and also shall not try to make any contact, approach the victim or her husband
- iv) Violation of any of the terms and conditions shall entail cancellation of bail.

8. The impugned order is set aside and the appeal is allowed.

9. Issue urgent certified copy as per Rules.

