

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.43 of 2022

Sanjay Patra

....

Appellant

Mr. S.K. Bhandeo, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an appeal under Section 14(A) of Schedule Caste and Scheduled Tribe Act.
3. Further despite notice having been served on Respondent No.2, which fact has been confirmed by the I.I.C. of the concerned Police Station, none appears on behalf of the Respondent No.2.
4. Heard learned counsel for the Petitioner and learned Additional Standing for the State. Perused the case record, F.I.R. as well as statement of the witnesses.
5. The present appeal is directed against the order dated 13.12.2021 passed by the learned 1st Additional District Judge-cum-Special Judge under S.C. and S.T. (P.A.) Act, Khurda in T.R. Case No.30 of 2020 arising out of Khurda Sadar P.S. Case No.104 of 2020 for alleged commission of offence under Sections 302/120-B/34, I.P.C. read with

Sections 25 and 27 of the Arms Act and Section 3(2)(va) of the S.C. and S.T. (PA) Act.

6. The prosecution is that it is alleged that the informant reported the matter before the police station with an allegation on 14.06.2020 Sunday at about 7.30 a.M., it is alleged that while the informant and her husband were going to take bath at the village pond and saw that the co-accused persons, namely, Raja Dalai along with two unknown persons were set firing to the uncle of the informant. The further case of the prosecution is that the appellant and the other co-accused persons were helping the main accused persons for the commission of the aforesaid offence. It is also further alleged that by seeing aforesaid incident, the informant and her husband fled away from the spot.

7. It is submitted by learned counsel for the appellant that the appellant is in custody since 01.12.2021 and in the meantime, investigation has been concluded and charge-sheet has been submitted. Further it is submitted by learned counsel for the appellant that the appellant along with others were present at the spot of the occurrence, however, principal accused persons, namely, Raja Dalei and Miki @ Manoranjan Sahu pulled out gun and shot fire aiming at the deceased and the deceased succumbed to the shot injury. So far as the present appellant is concerned, there is no allegation for commission of any overt-act. Further, the appellant had not known the deceased. He also submits that the co-accused persons, namely, Gudu @ Sanjaya Behera and pema @ Biswa Ranjan Jena have already been released on bail by this Court in CRLA No.193 of 2021 and CRLA No.3 of 2021. Further, he also submits that the appellant has been falsely implicated in this case. He also submits that the appellant is a resident of the locality and as such, there is no chance of absconding from the hands of justice and further in the event the appellant released on bail, he shall cooperate with the trial and appear before the trial court on each and every date in

the trial.

8. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the Appellant are serious in nature. He further submits that considering the gravity and seriousness of the allegation, the prayer for bail at the behest of the Appellant may be rejected.

9. Having heard learned counsel for the Appellant as well as learned Additional Standing Counsel for the State-Respondent and considering the nature of accusation, seriousness, and the fact that co-accused persons have already been released on bail and the gravity of offence as well as custodial detention of the Appellant, I am inclined to release the Appellant on bail. Accordingly, the impugned order dated 13.12.2021 passed in CRLA 43 of 2021 is hereby set aside.

10. Let the Appellant be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with two local sureties each for the like amount to the satisfaction of the learned court in seisin over the matter with further conditions as may deem just and proper by the learned court in seisin over the matter in the facts and circumstances of the present case.

11. With the aforesaid observation, the Appeal is allowed without any cost.

12. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge