

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.42 of 2021

Somya Ranjan Mohapatra @ Pinkulu ***Appellant***
Mr. D.N. Mohapatra, Advocate

-versus-

State of Odisha and another ***Respondents***
Mr.P.C.Das, ASC for State-Respondent No.1
Mr. P.K. Nayak, Advocate for Resp. No.2

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
19.05.2022

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant, learned counsel for the State-Respondent No.1 and learned counsel for the Informant-Respondent No.2. Perused the Case Diary, F.I.R. and statement of the witness on record.
3. This appeal has been filed by the Appellant challenging the order dated 06.01.2021, passed by the learned District and Sessions Judge-cum-Special Judge, Jajpur in C.T. Spl. No.105 of 2020, in connection with Mangalpur P.S. Case No.503 of 2020 for commission of alleged offences under Sections 294/325/307/302/34 of IPC and Section 3(2)(v) of S.C. & S.T. (POA) Act, rejecting the bail application filed by the Appellant.

4. It is submitted by learned counsel for the Appellant that Appellant is in custody since the date of his arrest, i.e. 11.11.2020. It is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. It is also submitted that some of the witnesses including the Informant has turned hostile in the case. Mr. Nayak, learned Senior Counsel further submits that there is a fair chance that Appellant is likely to be acquitted in the case due to lack of adequate materials against him.

5. Learned counsel for the Informant opposes the bail application of the Appellant on the ground that serious allegations have been made against the Petitioner.

6. Learned counsel for the State opposes the move of the Appellant. It is submitted that although most of the witnesses have been examined and some of the have been turned hostile and there is only one eye witness in this case. Accordingly, he objects to the bail application of the Appellant on the ground that in the event he released on bail, there is every possibility that he will tamper the prosecution evidence and terrorize and threaten the other witnesses. Therefore, he prays for rejection of the bail application of the Appellant.

7. Having heard learned counsel for the Respondent and considering the materials available on record as well as the submission of the Informant, this Court sets aside the order dated 06.01.2021, passed by the learned District and Sessions Judge-cum-Special Judge, Jajpur in C.T. Spl. No.105 of 2020, in connection with Mangalpur P.S. Case No.503 of 2020. It is further directed that

let the Appellant be released on bail subject to furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the terms and conditions as would be fixed by the trial court. Further, the court below shall do well to impose condition that the Appellant shall not influence or threaten or terrorize the Informant or his family members or any of the prosecution evidence in any manner whatsoever, in such event, it is open for the trial court to revoke the order granting bail to the Appellant and issue NBW and take the Appellant to judicial custody forthwith.

8. With the above direction, the CRLA is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge