

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1035 of 2022

Kabiraj Behera

....

Petitioner

Mr.Santosh Ku. Mohanty*Advocate*

-versus-

State of Odisha

....

Opposite Party

Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.02.2022

Order No.

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State. Perused the records.
3. In view of Sections 18 as well as 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the present application is not maintainable. However, learned counsel appearing for the Petitioner submits that the Petitioner has filed a certificate, which has been annexed to this application as Annexure-2 indicating the fact that the petitioner belongs to S.C, community. Therefore, it is the contention of the learned counsel for the Petitioner that Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out against the Petitioner. However, it is directed that in the event the Petitioner surrenders before the learned Additional District & Sessions Judge-cum-Special Judge, Bhanjanagar in Spl. G.R.Case No.6 of 2022 arising out of Jagannath Prasad P.S.Case No.25 of 2022, they he be released on

bail on such terms and conditions as the learned Additional District & Sessions Judge-cum-Special Judge, Bhanjanagar may deem just and proper subject to verification of genuineness of the certificate produced by the Petitioner by the learned court in seisin over the matter.

5. The ABLAPL is accordingly disposed of.

6. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

RKS

