

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.81 of 2022

Shyama Sahu another ***Appellants***

Mr. Satyabrata Panda, Advocate

-versus-

State of Odisha and another ***Respondents***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
19.04.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application under Section 14(A) of Schedule Caste and Scheduled Tribe (PoA) Act.
3. The present appeal is directed against the order dated 10.01.2022 passed by the learned Additional Sessions Judge-cum-Special Judge, Padampur in Special G.R. Case No.66 of 2021 arising out of Gaisilat P.S. Case No.148 dated 01.10.2021 for alleged commission of offence under Sections 147/452/294/435/436/395/149, I.P.C. read with Sections 3(1)(r)(s)/3(2)(v)(va) of the S.C. and S.T. (PoA) Act.
4. Heard learned counsel for the Appellants as well as learned Additional Standing Counsel for the State-Respondents.
5. On being noticed on the informant, the informant appears in person in Court today through virtual mode and objected the prayer for bail of the appellants.

6. The prosecution case, as revealed from the F.I.R., is that the informant Janata Kumhar presented a written report before the IIC, Gaisilat PS alleging that on 11.08.2021 at about 6 P.M. while her husband was absent, Buntty @ Umakanta Sahu, Premananda Sahu, Nihar Sahu, Pritam Sahu, Shyama Sahu, Monu Panda, Khedu Sahum Kamala Sahu, Thurli Sahu, Geeta Sahu, Betikhai Sahu came to her house and started abusing in obscene words taking the name of her caste. They also threatened to kill the informant and her husband and to set blaze to their house. They forcibly entered inside the house and started damaging the articles like motor cycle, TV, Induction heater and also set fire to those articles. Due to fire, the wearing apparels, documents, motor cycle, paddy crops were completely burnt and damaged. The above noted persons snatched away Rs.1,00,000/-, gold ornaments of 5 bhari from the house of the informant. Out of fear to their life, the informant telephoned to Gaisilat PS and Police came to the spot. The accused persons named above aimed to kill the husband of the informant due to which the family members of the informant are frightened. It is further alleged that the accused persons want to oust the informant's family from the village and had intentionally burnt her house as a boy from their caste(lower) had taken a girl from the higher caste to which the above noted accused persons belonged. The informant further alleged that after setting fire to her house, accused Nihar Sahu instigated others to throw the informant and her daughter in the flames and to kill. Due to this, the informant and her daughter concealed themselves and managed to escape from the spot. Hence, this case.

7. Learned counsel for the appellants does not want to press the bail application of the Appellant No.1-Shyama Sahu with liberty to renew his prayer for bail after examination of the victim before the trial court.

8. So far as Appellant No.2-Premanand Sahu is concerned, learned counsel for the Appellants submits that the appellant is in custody since 29.08.2021. Learned counsel for the appellants submits that the Appellant

No.2-Premanand Sahu was not named in the F.I.R. It is also submitted that no offence is made out under the alleged under Sections. He also submits that there is no scope for absconding or fleeing from the hands of the justice and that the Appellant No.2 is a local man.

9. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the Appellants are serious in nature and that both the appellants had assaulted the informant. He further submits that considering the gravity of offence and seriousness of the allegation, the prayer for bail at the behest of the Appellant No.2 may be rejected.

10. 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 gravity of offence as well as custodial detention of the Appellant, I am inclined to release the Appellant No.2-Premanand Sahu on bail. Accordingly, the impugned order dated 10.01.2022 passed in CRLA No.81 of 2022 is hereby set aside.

11. Let the Appellant No.2-Premanand Sahu be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.30,000/-(rupees thirty thousand) with two local sureties 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.

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

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

(A.K. Mohapatra)
Judge

