

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.84 of 2022

Sadananda Mahakur

....

Appellant

Mr. N. Singh-1, Advocate

-versus-

State of Odisha and another

....

Respondents

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

*Mr. A.K. Mohanty, Advocate for the
Respondent No.2*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.05.2022

Order No.

12.

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. The present appeal is directed against the order dated 22.12.2021 passed by the learned District and Sessions Judge, Bargarh in C.T.(Special) Case No.55 of 2021 arising out of Bheden P.S. Case No.207 of 2021 for alleged commission of offence under Sections 342/357/328/294/506/302/34, I.P.C. read with Sections 3(1)(r)/3(2)(v)(va) of the S.C. and S.T. (P.A.) Act.
4. Heard learned counsel for the appellant, learned counsel for the respondent no.2 as well as learned Additional Standing Counsel for the State-Respondent.

5. It is submitted by learned counsel for the appellant that the appellant is in custody since 15.10.2021. In the meantime, investigation has been concluded and charge-sheet has been submitted.

6. Further, learned counsel for the appellant submits that the appellant has been falsely implicated in this case and he has no knowledge about the alleged incident. He further submits that there is no scope for absconding or fleeing away from the hands of the justice, as the appellant is permanent resident of the locality.

7. Learned counsel for the State-Respondent, on the other hand, submits that the allegation made against the appellant is serious in nature. He further submits that considering the gravity of offence, the prayer for bail at the behest of the appellant may be rejected.

8. Having heard learned counsels for the parties 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 on bail. Accordingly, the impugned order dated 22.12.2021 passed in CRLA No.84 of 2021 is hereby set aside.

9. Let the appellant be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.30,000/-(rupees thirty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the subject to conditions that :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. he shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the family members in any

manner whatsoever;

III. he shall not make any default in attending the court during trial on each date;

IV. he shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. till conclusion of trial.

Violation of any of the terms and conditions shall entail cancellation of bail.

10. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

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

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

