

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No.96 of 2022**

***Bibhudata @ Bibhudatta Sahani*** .... ***Appellant***

*Mr. R.K. Pattanaik, Advocate*

*-versus-*

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

*Mr. M.K. Mohanty, A.S.C.*

*Mr. S.N. Das, Advocate for the  
Respondent No.2*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**17.05.2022**

**Order No.**

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

Respondent No.2 appears in Court today through Mr. Satyanarayan Das, Advocate and files Vakalatnama. The same is accepted and be kept on record.

2. This is an appeal under Section 14-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989

3. The present appeal is directed against the order dated 23.10.2021 passed by the learned District and Sessions Judge-cum-Special Judge, Jajpur in C.T.(Spl.) Case No.95 of 2021 arising out of Ramachandrapur P.S. Case No.195 of 2021 thereby rejecting the bail application of the Appellant.

4. The prosecution story as unfolded from the F.I.R. in

Ramachandrapur P.S. Case No.195 of 2021 registered under Sections 294/323/379/376/511, I.P.C. read with Sections 3(1)(r)(s)/3(2)(va) of the S.C. and S.T.(P.A.) Act.

5. Heard learned Counsel appearing for the Appellants and Mr. M.K.Mohanty, learned Additional Standing Counsel for the State.

6. Learned Counsel appearing for the Appellant contended that the Appellant is innocent persons and he has no way involved in the present crime and that after his arrest in connection with the present case, he is languishing in jail custody since 02.09.2021. It is further submitted on behalf of the Appellant that investigation concluded and charge-sheet has been submitted. Further, he submitted that accused/Appellant belongs to the locality and there is no scope for absconding or fleeing away from the hands of the justice.

7. Learned counsel for the State, on the other hand, submits that the alleged case under the provisions of the Indian Penal Code has been well made out against the present Appellant. In the said context, learned counsel for the State objected the prayer for bail of the appellant.

8. Learned counsel for the Respondent No.2 submits that he has no objection, if the appellant is released on bail by this Court.

9. Having heard learned counsels for the parties, upon perusal of the statement of the victim and keeping in view the aforesaid facts and circumstances of the case, this Court is inclined to release the Appellant on bail by setting aside the impugned order dated 23.10.2021 passed by the learned District and Sessions Judge-cum-Special Judge, Jajpur in C.T.(Spl.) Case No.95 of 2021 in the

aforesaid case.

10. Hence, let the Appellant be released on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions that:-

- i. The Appellant shall not tamper with the prosecution evidence while on bail;
- ii. he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever; and
- iii. he shall cooperate with the trial while on bail and shall not make any default in attending the court during trial on each date without fail;

In the event it is found that the appellant has made violation of any of the terms and conditions, this bail order shall automatically be revoked. Other terms and conditions shall be fixed by the court in seisin over the matter.

11. With the aforesaid observation, the CRLA is disposed.

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

**( A.K. Mohapatra )**  
**Judge**

