

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.116 of 2022

Sanu Mahanta

....

Appellant

Dr.Purusottam Chuli,Advocate

-versus-

State of Odisha and another

....

Respondents

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.05.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Appellant as well as learned Additional Standing Counsel.
3. This is an appeal filed under Section 14(A)(1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. The present appeal is directed against the order dated 10.01.2022 passed by the learned Sessions Judge-cum-Special Judge, Keonjhar in rejecting the bail application of the appellant in connection with Patna P.S.Case No.141 of 2021 corresponding to Spl.Case No.33 of 2021 pending in the Court of the learned Sessions Judge-cum-Special Judge, Keonjhar for alleged commission of offences under Section 376(2)(l)(n)/506/34 of the Indian Penal Code read with section 3(1)(s)/3(2)(v)(va) of the SC & ST (P.A.) Act, 1989.
5. The prosecution case in brief is that the informant reported in

writing that she has a deaf sister of 30 years old, who was sexually assaulted by the appellant since 10 years. On 29.08.2021 at 7 P.M. when the informant went to her sister's house, she saw the appellant sexually assaulting her sister. Hence the informant requested for taking legal action.

6. It is submitted by the learned counsel for the Appellant that the allegation made against the appellant is false and fabricated. He further submits that the appellant is an old and ailing man of more than 80 years old. The medical examination report clearly shows that there was no mark of injury on the body of the victim and there is no sign of sexual intercourse on the person of victim. He further submits that the appellant is a local resident having his immovable properties, there is no chance of his absconding or fleeing away from the hands of justice. Further in the event the appellant is released on bail he will appear before the trial court on each date of posting of the case and he shall abide by any terms and conditions that may be imposed by this Court.

7. Learned Additional Standing Counsel on the other hand opposes the prayer for bail of the appellant on the ground that the allegation made in the F.I.R. is serious in nature. He further submits that such type of offences are rising and no leniency should be shown to the accused who are involved in such type of offence.

8. Having heard learned counsel for the parties and keeping in view the surrounding circumstances of the present case and keeping in view the nature of allegations made and taking into consideration the the medical examination report of the victim, this Court is inclined to release the appellant on bail and the appellant be released on bail in the aforesaid case subject to the appellant furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one local solvent

surety each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) he shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

10. The impugned order dated 010.01.2022 passed by the learned Sessions Judge-cu-Special Judge, Keonjhar in Spl.Case No.33 of 2021 is hereby set aside.

11. With the aforesaid observation the appeal is allowed without cost.

12. Issue urgent certified copy as per Rules.

RKS

