

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.132 of 2022

Kalia Maharana and others ***Appellants***

Mr. S.K. Dash, Advocate

-versus-

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

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
09.05.2022

Order No.

05.

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 16.02.2022 passed by the learned Additional District and Sessions Judge-cum-Special Judge, Chatrapur in G.R. No.88 of 2021 arising out of Hinjili P.S. Case No.667 of 2021 for alleged commission of offence under Sections 341/323/379/307/34, I.P.C. read with Section 3(1)(r)/3(2)(ra) of the S.C. and S.T. (PA) Act.
4. Heard learned counsel for the Appellants as well as learned Additional Standing Counsel for the State-Respondent.
5. The case of the prosecution, in brief, is that the present F.I.R. has been lodged at the instance of the informant/Respondent No.2 on

23.12.2021 before the Hinjili Police Station inter alia alleging therein that on the previous day i.e. 22.12.2021 at about 7.00 P.M. while her husband returning after finishing his work as a driver along with her nephew Rola Behea at Belagaon Chhak, the appellants with others suddenly assaulted him by means of sharp cutting weapons. It is alleged that they snatched away the motor cycle of the husband of the informant. It is further alleged that the other bus staff recovered the husband of the informant and by No.108 Ambulance shifted to the MKCG Medial College and Hospital, Berhampur. Hence, this case.

6. It is submitted by learned counsel for the Appellants that the Appellants are in custody since 16.02.2022. In the meantime, investigation has been concluded and charge-sheet has been submitted. He further submits that in the meantime, the injured discharge from hospital and the injured sustained simple injuries. Leaned counsel for the appellants submits that there is no scope for absconding or fleeing away from the hands of the justice, as the Appellants are permanent residents of the locality.

7. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the Appellants are serious in nature. He further submits that considering the gravity of offence, the prayer for bail at the behest of the Appellants 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 Appellants, I am inclined to release the Appellants on bail. Accordingly, the impugned order dated 16.02.2022 passed in CRLA No.132 of 2022 is hereby set aside.

9. Let the Appellants be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.50,000/-(rupees fifty

thousand) each with two local sureties each 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.

10. 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

Jagabandhu

