

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.147 of 2022

Abid Husen @ Abid Hussain @ Ashrafi ***Appellant***

Mr. T.K. Sahu, Advocate

-versus-

1. State of Odisha
2. Nitesh Mahananda ***Respondents***

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
14.12.2022

Order No.

13. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the State submitted that the notice on the informant is sufficient.

None appears on behalf of the informant.

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with S.A. Case No.27 of 2021 arising out of Jonk P.S. Case No.70 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Nuapada for offences punishable

under section 302/34 of the Indian Penal Code and section 3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Additional Sessions Judge, Nuapada which was rejected on 05.05.2021.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 02.04.2021 and he approached this Court first time for bail in BLAPL No.3914 of 2021 which was disposed of as per the order dated 18.06.2021. Learned counsel further submitted that in the trial Court, twenty witnesses have already been examined and no clinching evidence has come on record against the appellant and therefore, the bail application of the appellant may be favourably considered.

Learned counsel for the State placed the evidence of the witnesses already examined in the trial Court.

After going through the materials available on record and particularly, the evidence of the witnesses examined so far in the trial Court and the period of detention of the appellant in judicial custody, I am inclined to release him on bail.

Let the appellant be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local

solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that he shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

The CRLA is accordingly disposed of.

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



RKM