

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.148 of 2022

Badal Biswal

Appellant
.....
Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha and another

Respondents
.....
Mr.K.K. Nayak, ASC for State-Respondent No.1

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
10.05.2022

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant and learned counsel for the State-Respondent No.1. Perused the Case Diary, F.I.R. Charge-Sheet and statement of the witness on record.
3. This appeal has been filed by the Appellant challenging the order dated 10.02.2022, passed by the learned Additional Sessions Judge-cum-Special Judge under SC and ST, Chatrapur, Ganjam, in G.R. Case No.41 of 2021, arising out of Kabisuryanagar P.S. Case No.326 of 2021, for commission of alleged offences under Sections 294/341/323/354/324/307/506 of I.P.C. read with Section 3(1)(r)/3(1)(s)/3(1)(w) and 3(2)(va) of S.C. and S.T. (Prevention of Atrocities) Act, 1989, rejecting the bail application filed by the Appellant.

4. The prosecution case, in brief, is that the Informant reported the matter before the police station with an allegation that on 31.07.2021 at about 11.00 p.m., while the Informant was going to attend the call of nature, it is alleged that the Appellant asked to the Informant to sleep with the Appellant and when that was objected then the Appellant outraged the modesty of the Informant. It is further alleged that the Informant was at the advance stage of pregnancy at that time and when the maternal grandfather as well as maternal uncle objected then the Appellant assaulted to them as a result of which, they sustained injuries on their body and gave life threatening and also abused them in the name of their caste.

5. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 10.02.2022. It is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. It is further submitted by learned counsel for the Appellant that after treatment, the Informant has been sent to home. Admittedly, there is a dispute between the two families. Accordingly, a false case has been foisted against the Appellant. It is further submitted that the accused belonging to local area and there is no chance for absconding or avoiding the trial of the case in the event released on bail.

6. Learned counsel for the State opposes the bail of the Appellant on the ground that the injuries sustained by the injured persons are both grievance and simple in nature. Therefore, no leniency should be shown to the Appellant for grant of bail. It is also submitted that stringent conditions may be imposed on the Appellant, in the event of release on bail.

7. Considering the aforesaid facts and circumstances of the case and further considering the fact that Petitioner is in jail custody since 10.02.2022 and also the fact that injured persons have been released from the hospital, this Court sets aside the order 10.02.2022, passed by the learned Additional Sessions Judge-cum-Special Judge under SC and ST, Chatrapur, Ganjam, in G.R. Case No.41 of 2021, arising out of Kabisuryanagar P.S. Case No.326 of 2021. It is further directed that let the Appellant be released on bail subject to furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- (i) He shall appear before the trial court on each and every date as fixed by the court;
- (ii) He shall appear before the I.O. once in a fortnight preferably on Sunday at 10.00 A.M. to 1.00 P.M.;
- (iii) He shall not leave the jurisdiction of the concerned court without special permission;
- (iv) He shall not tamper with the prosecution evidence;
- (v) He shall not influence or threaten or terrorize any prosecution evidence and the Informant or her family members in any manner whatsoever and cooperate in the investigation;
- (vi) He shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile number, the same shall also be intimated to the local police;
- (vii) Violation of any of the above conditions shall entail cancellation of the bail; and
- (viii) The trial court may impose any other condition(s), as deem fit and proper.

8. With the above direction, the CRLA is accordingly allowed.
9. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

