

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.156 of 2022

Hala Bhuyan and others

Appellants
Mr. U.C. Jena, Advocate

-versus-

State of Odisha and another

Respondents
Mr.P.C.Das, ASC for State-Resp. No.1

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
05.04.2022

Order No.

01. 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. and statement of the witness.
3. This appeal has been filed by the Appellants challenging the order dated 23.02.2022 passed by the learned Special Judge, Deogarh in Special G.R. Case No.14 of 2020, arising out of Barkote P.S. Case No.125 of 2020, for commission of alleged offences under Sections 147/148/149302 of I.P.C. r/w. Section 3(2)(v) of S.C. and S.T. (Prevention of Atrocities) Act, 1989, rejecting the bail application filed by the Appellants.
4. The case of the prosecution, in a nutshell, is that on 17.04.2020 at about 6.a.m. all the Appellants assaulted her husband

namely Kshyama Mallik. Due to such assault, he died on 24.05.2020 at about 5.00 P.M.

5. It is submitted by learned counsel for the Appellants that they are on custody since the date of their arrest, i.e. on 19.01.2022. It is further submitted that police after completion of investigation submitted charge-sheet against the Appellants. It is alleged that the deceased had installed a live wire in the forest. One person from the village came across such live wire and died. The villagers in group went to his house and assaulted him, as a result of which, he succumbed to the injuries, who claims that he died due to septicemia. It is submitted by learned counsel for the Appellants that the co-accused persons, namely, Jaya Krushna Behera, Rama Chandra Sahu, Kishor Sahu and Gananath Behera have been released on bail by this Hon'ble Court vide order dated 04.02.2022 passed in ABLAPL No.1054 of 2022. Accordingly, a prayer has been made to release the present Appellants on bail on such terms and conditions as deem fit and proper by this Hon'ble Court.

6. Learned counsel for the State opposes the bail of the Appellants on the ground that the allegation is very serious in nature. Accordingly, he urges for rejection of bail application of the Appellants.

7. Considering the aforesaid facts and circumstances of the case, further considering the period of detention of accused Appellants, this Court sets aside the order dated 23.02.2022 passed by the learned Special Judge, Deogarh, in Special G.R. Case No.14 of 2020, arising out of Barkote P.S. Case No.125 of 2020. It is further directed that let the Appellants be released on bail subject to

furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) each with one local surety each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following conditions:

- (i) They shall appear before the trial court on each and every date as fixed by the court;
- (ii) They shall appear before the I.O. on every fortnight preferably on Sunday at 10.00 A.M. to 1.00 P.M.;
- (iii) They shall not leave the jurisdiction of the concerned court without special permission;
- (iv) They shall not tamper with the prosecution evidence;
- (v) They shall not influence or threaten or terrorize any prosecution evidence and cooperate in the investigation;
- (vi) They shall provide the present address and mobile number to the local police station, in the event of any change in the address or mobile numbers, 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