

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.116 of 2021

Litu @ Debiprasad Das

....

Appellant

Mr. Deepak Kumar Sahoo, Advocate

-versus-

State of Odisha and another

....

Respondents

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

Mr.Gagan Bihari Singh, Advocate for Respondent No.2

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

08.03.2022

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Affidavit filed by the younger brother of the accused Appellant in Court today, which is taken on record.
3. Heard learned counsel for the Appellant, learned counsel for the State-Respondent No.1 and the learned counsel for the Informant-Respondent No.2. Perused the Case Diary, F.I.R. statement of the witnesses as well as affidavit of the accused Appellant.
4. This appeal has been filed by the Appellant challenging the order dated 11.02.2021 passed by the learned District and Sessions Judge, Kendrapara in T.R. Case No.43 of 2020, arising out of Patkura P.S. Case No.125 of 2020, for commission of alleged offences under Sections 341/294/506/392/307 of I.P.C., Sections 25 and 27 of the Arms act and Sections 3(1)(r), 3(1)(w)(i), 3(2)(v) of

the S.C. and S.T. (Prevention of Atrocities) Act, 1989 (Amendment Act, 2015), rejecting the bail application filed by the Appellant.

5. It is submitted by learned counsel for the Appellant that Appellant is in jail custody since the date of his arrest, i.e. 20.06.2020. The further submission is that police after completion of investigation has submitted charge-sheet against the Appellant in the case. It is alleged that he has been falsely entangled in many cases by the Police in the present Appeal. Although charge-sheet has been filed for commission of offence u/s.307 I.P.C. but there is no injury sustained by the injured in the case. However, it is submitted that in the event Appellant is released on bail, he shall abide by the terms and conditions as fixed by this Court as well as the trial court.

6. Learned counsel for the Informant submits that he has no objection, if the accused Appellant is granted bail by this Hon'ble Court with the terms and conditions as fixed by this Court.

7. On the other hand, learned counsel for the State submits that Appellant is a history sheeteer and several cases have been pending against him and in some cases he has been released on bail. He further submits that in the event Appellant is released on bail, he may create disturbance in the locality and he will tamper the witnesses in the case. Accordingly, he prays for rejection of his bail application so also the criminal appeal.

8. Having heard learned counsel for the parties, considering the nature and gravity of offences alleged and the period of detention of the Appellant, this Court is inclined to release the Appellant on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local sureties for the like amount to the satisfaction of the

learned court in seisin of the matter subject to the following conditions :

- (i) He shall not involve himself in any similar nature of offence;
- (ii) He shall appear before the trial court on each and every date as fixed by the court;
- (iii) He shall appear before the I.O. of the concerned Police station twice in two months, i.e. on Wednesday and Sunday at 10.00 A.M. to 1.00 P.M. and thereafter once in every month on Wednesday at 10.00 A.M. to 1.00 P.M. till completion of trial;
- (iv) He shall not leave the jurisdiction of the concerned court without special permission;
- (v) He shall not tamper with the prosecution evidence;
- (vi) He shall not influence or threaten any prosecution evidence and cooperate in the investigation;
- (vii) 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;
- (viii) Violation of any of the above conditions shall entail cancellation of the bail; and
- (ix) The trial court may impose any other condition(s), as deem fit and proper.

9. With the above direction, the CRLA is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge