

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.222 of 2022

Mohan Bahalia & others

....

Appellants

Mr.S.R.Mulia, Advocate

-versus-

State of Odisha & another

....

Respondents

Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.06.2022

Order No.

03.

1. This matter is taken up through Hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for the appellants, learned Additional Standing Counsel for the State as well as the learned counsel appearing for the informant.
3. The present appeal has been filed challenging the order dated 25.03.2022 passed by the learned Special Court, Cuttack in rejecting the bail application filed by the appellants in connection with Tangi P.S.Case No.33 of 2022 corresponding to C.T.Case No.35 of 2022 pending before the learned Special Court under SC & ST (POA) Act, Cuttack.
4. The prosecution case in brief is that on 22.02.2022 while the informant along with her family members were sleeping in their house, it is alleged that the present appellants and others take away and jointly assaulted her husband b means of stone with intent to kill

and when the informant protested them, the appellants misbehaved her by aspersing her caste.

5. It is submitted by the learned counsel for the appellants that the appellants are languishing in custody since 25.02.2022. It is also submitted by the learned counsel for the appellants that they have been falsely implicated in the present case. He further submits that since the appellants are permanent residents of Cuttack district, there is no question of absconding or fleeing from the hands of justice and in the event of their release on bail they undertake to appear before the trial court on each date of posting.

6. Learned counsel for the State on the other hand opposes the prayer for bail and referring to the statement of the injured, appellant Nos. 2 & 4 have assaulted the injured on his head, as a result of which he sustained grievous injuries for which he was hospitalized for many days. So far as other appellants are concerned there is allegation of commission of the offence 354-A of the Indian Penal Code.

7. Learned counsel appearing for the informant opposes release of the appellants on bail. He submits that all the appellants have assaulted the injured and his family members and the allegations made in the F.I.R. are heinous in nature. With the aforesaid submissions he urges rejection of bail application of the appellants.

8. Considering the submissions of the learned counsel for the parties as well as upon examination of the evidence on record, this Court is not inclined to release the appellant Nos. 2 & 4 on bail. At this juncture, learned counsel for the appellants submits that he does not want to press the bail application in respect of appellant Nos. 2 & 4 and therefore, the bail application is permitted to be withdrawn in respect of appellant Nos. 2 & 4.

9. So far as other appellants are concerned, considering the allegation and gravity of the offence, this court is inclined to grant bail

to the appellant Nos.1,3,5 & 6 and it is directed that let the appellant Nos.1,3,5 & 6 be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand)each with one local solvent surety each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions

- i) they shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of trial.
- ii) shall cooperate with the trial of the case and shall appear in trial court on each and every date to which the case is posted.
- iii) shall not indulge in any offence of similar nature
- iv) shall not tamper with the prosecution evidence while on bail.
- v) shall not influence or threaten any prosecution evidence while on bail.
- vi) Violation of any of the terms and conditions shall entail cancellation of bail.

10. The trial court may also impose any other condition(s) as deem fit and proper.

11. The CRLA is allowed partly and the order dated 25.03.2022 passed by the learned Special Court, Cuttack in C.T.Case No.35 of 2022 is set aside.

12. Issue urgent certified copy of the order as per Rules.