

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.242 of 2022

Brahmananda Senapati

....

Appellant

Mr. P.K. Kundu, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.06.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

Surrender certificate of the petitioner filed by learned counsel for the appellant in Court today. The same is accepted and be kept on record.

2. This is an appeal under Section 14(A) of Schedule Caste and Scheduled Tribe Act.

3. Heard learned counsel for the appellant and learned Additional Standing for the State. Perused the case record, F.I.R. as well as statement of the witnesses.

4. The present appeal is directed against the order dated 28.03.2022 passed by the learned Presiding Officer-cum-Special Court under S.C. and S.T. (POA.) Act, Cuttack in C.T. Case No.67 of 2022 arising out of Niali P.S. Case No.87 of 2022 for alleged commission of offence under Sections 342/294/354/323/326/325/324/307/506/34, I.P.C. read with Sections 3(1)(r)(s)/3(2)(va) of the S.C. and S.T. (PA) Act.

6. The prosecution story in short is that one Basanti Sethy, W/o.- Dolagobinda Senapti lodged a written report before the IIC, Niali P.S. alleging therein that out of love affairs she was married to younger brother of the appellant prior to six years back and maintaining happy conjugal life and on 10.03.2022 at about 6.00 A.M. the appellant abused in filthy languages by naming her caste about displacement of Hawaii Chappal and close the door from outside and while the informant shouted, her husband came and trying to open the door at that time her elder sister-in-law also assaulted the head of her husband by means of stick and in the meantime, her mother-in-law open the door and trying to rescue her husband and the appellant trying to outraged her modesty. It is further alleged that at that time, while her husband attempted to rescue her, at the said time, the appellant teeth bite the ear lobe of the husband of the informant for which some part of ear lobe have been removed and he sustained bleeding injuries on his part on the F.I.R. lodged by the informant vide Niali P.S. Case No.87 of 2022 for the offences under Sections 342/294/354/323/326/325/324/307/506/34, I.P.C. read with Sections 3(1)(r)(s)/3(2)(va) of the S.C. and S.T. (PA) Act.

7. It is submitted by learned counsel for the appellant that the appellant is in custody since 14.03.2022 and in the meantime, investigation has been concluded and charge-sheet has been submitted. Further it is submitted by leaned counsel for the appellant that the offence under Section 307, I.P.C. has been deleted and that there was a dispute between the two brothers. Further, he also submits that the appellant has been falsely implicated in this case. He also submits that the appellant is a resident of the locality and as such, there is no chance of absconding from the hands of justice and further in the event the appellant released on bail, he shall cooperate with the trial and appear

before the trial court on each and every date in the trial.

8. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the Appellant are serious in nature. He further submits that considering the gravity and seriousness of the allegation, the prayer for bail at the behest of the Appellant may be rejected.

9. Having heard learned counsel for the appellant as well as learned Additional Standing Counsel for the State-Respondent and considering the nature of accusation, seriousness and the gravity of offence as well as custodial detention of the appellant, I am inclined to release the appellant on bail. Accordingly, the impugned order dated 28.03.2022 passed in C.T. Case No.67 of 2022 is hereby set aside.

10. Let the appellant be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) with two local sureties each for the like amount to the satisfaction of the learned court in seisin over the matter with further conditions as may deem just and proper by the learned court in seisin over the matter in the facts and circumstances of the present case.

11. With the aforesaid observation, the Appeal is allowed.

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

(A.K. Mohapatra)
Judge