

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.349 of 2022

Prasanta Kumar Nayak

Appellant
Mr.H.K.Tripathy, Advocate

-versus-

State of Odisha and another

Respondents
Mr.P.C.Das, A.S.C..
Mr.C.R.Satapathy, Advocate for R-2

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.05.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Appellant as well as learned Additional Standing Counsel.
3. This is an appeal filed under Section 14(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. The present appeal is directed against the order dated 18.04.2022 passed by the learned Special Court, under SC & ST (POA) Act, Cuttack in rejecting the bail application of the appellant in connection with Kishannagar P.S.Case No.52 of 2022 corresponding to C.T.Case No.93 of 2022 for alleged commission of offences under Sections 147, 148, 294, 323, 325, 307, 506/149 of the Indian Penal Code read with Section 3(1)(r),3(1)(s), 3(2)(va) of SC & ST (POA) Act.
5. The prosecution case in brief is that on 30.03.2022 at about 6 a.m. while her husband was going to Sogla Chhak for taking tea, it is

alleged that the appellant along with other accused persons unitedly by holding lathi abused him in filthy languages and subsequently the appellant along with other accused persons assaulted by means of lathi to the husband of the Respondent No.2, her brother-in-law and one Karunkar Kanddi as a result of which her husband fell down and became unconscious and also her brother-in-law has fractural injury on his head and also threatened for dire consequences.

6. It is submitted by the learned counsel for the Appellant that the appellant is languishing in jail custody since 01.04.2022. It is also submitted by the learned counsel for the appellant that the injured has already been discharged from the hospital after due treatment. It is also submitted by the learned counsel for the appellant that the allegations made against the appellant are omnibus in nature and no specific overt act has been attributed against the appellant. It is also submitted by the learned counsel for the appellant that since the appellant is an inhabitant of Cuttack district, there is no chance of his absconding or fleeing away from receiving justice and he undertakes to appear before the learned trial court on each date of posting

7. Learned Additional Standing Counsel on the other hand opposes the prayer for bail of the appellant on the ground that the allegation made in the F.I.R. is serious in nature. Therefore, the learned counsel for the State urges rejection of his bail application at this juncture.

8. Having heard learned counsel for the parties and keeping in view the surrounding circumstances of the present case and the materials available on record and further keeping in view the period of custodial detention of the appellant, this Court is inclined to release the appellant on bail and the appellant be released on bail in

the aforesaid case subject to the appellant furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two local solvent sureties 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) he shall appear before the concerned Police Station once in a fortnight 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.

9. The impugned order dated 18.04.2022 passed by the learned Special Court, Cuttack in C.T.Case No.93 of 2022 is hereby set aside.

10. With the aforesaid observation the appeal is allowed without cost.

11. Issue urgent certified copy as per Rules.