

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.378 of 2022

1. Kishor Singh
2. Sidheswar Pradhan
3. Ratnakar Danga **Appellants**

Mr.D.P. Dhal, Senior Advocate

-versus-

1. State of Odisha
2. Bhagyadhar Mallick @
Babula **Opp. Parties**

Mr.Arupananda Das,
Addl. Government Advocate

CRLA No.381 of 2022

1. Suresh Behera
2. Bhipi Behera
3. Bainateya Singh **Appellants**

Mr.D.P. Dhal, Senior Advocate

सत्यमेव जयते

-versus-

1. State of Odisha
2. Bhagyarathi Mallick @
Babula **Respondents**

Mr.Arupananda Das,
Addl. Government Advocate
Bhabani Prasad Pradhan
(for respondent no.2)

CRLA No.392 of 2022

1. Tribikram Mahakud
2. Bikash Majhi @ Bikash
Ch. Majhi **Appellants**

Mr.D.P. Dhal, Senior Advocate

-versus-

1. State of Odisha
2. Bhagyarathi Mallick @
Babula

.... **Opp. Parties**

Mr.Arupananda Das,
Addl. Government Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
28.09.2022

Order No.

02. These matters are taken up through Hybrid arrangement (video conferencing/physical mode).

Since all the three appeals arise out of one case, with the consent of the learned counsel for both the parties, those are heard together and disposed of by this common order.

Heard learned counsel for the appellants, learned counsel for the State as well as learned counsel for the informant in all the cases.

All the appeals are under section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with Special Case (SC & ST) No.11 of 2022 arising out of Manamunda P.S. Case No.49 of 2022 pending in the Court of learned Special Judge, Boudh for offences punishable under sections 143, 147, 148, 294, 323, 324, 325, 506, 307, 427, 435, 326, 337, 149 of the Indian Penal Code read with section 25 and 27 of the Arms Act along with section 3 of Explosive Substance

Act and section 3(1)(r)(s)/3(2)(v) of the SC and ST (PoA) Act.

It is submitted by Mr. D.P. Dhal, learned Senior Advocate that all the three appellants in CRLA No. 378 of 2022 are in judicial custody since 03.03.2022, the three appellants in CRLA No.381 of 2022 are in judicial custody since 01.03.2022 and so far as the appellants in CRLA No.392 of 2022 are concerned, appellant no.1, namely, Tribikram Mohakud is in judicial custody since 11.03.2022 and appellant no.2, namely, Bikash Majhi @ Bikash Ch. Majhi is in judicial custody since 01.03.2022 and all the appellants have been charge sheeted under sections 143, 147, 148, 294, 323, 324, 325, 506, 307, 427, 435, 326, 337 and 149 of the Indian Penal Code read with section 25/27 of the Arms Act along with section 3 of Explosive Substance Act and section 3(1)(r)(s)/3(2)(v) of the SC and ST (PoA) Act.

Learned counsel for the appellants further submitted that there are three injured persons in this case namely, Chandan Mallick, Gopal Mallick and Rajendra Jagdala and it is stated by the eye witnesses to the occurrence so also the injured persons that the appellants were the members of unlawful assembly but no specific overt act of assault has been attributed against any of the appellants and therefore, their bail applications may be favourably considered.

Learned counsel for the State has placed the injury reports of three injured persons from which it appears that all the three injured have sustained grievous injuries and injured Chandan Mallick and Rajendra Jagadala have sustained gunshot injuries and he also placed the statements of the injured persons from which it appears that so far assault on the Chandan mallick is concerned, specific overt act has been attributed against the accused Bibhuti Bhusan Danga. Similarly so far as assault on Rajendra Jagdala is concerned, specific overt act of assault has been attributed against Balia Danga, Bulu Danga and Bibhuti Bhusan Danga and so far as the injured Gopal Mallick is concerned, specific overt act has been attributed against accused Bulekh and Jaga Danga. However, learned counsel for the State pointed out from the rejection order in CRLA No.378 of 2022 that the appellant Bikram Mahakud and Bikash Chandra Majhi have got one criminal antecedent each.

Learned counsel for the informant also fairly submitted that so far as the appellants in three criminal appeals are concerned, no specific overt act has been attributed against any of them except that they were the members of unlawful assemble.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellants and absence of

any specific overt act against them and keeping in view the period of detention of the appellants in judicial custody, I am inclined to release the appellants in both the cases on bail.

Let the appellants in both the cases be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with further conditions that they shall not indulge in any criminal activities and they shall appear before the learned trial Court on each date to which the case would be posted for trial and shall not try to tamper with the prosecution evidence.

Violation of any of the conditions shall entail cancellation of bail.

All the CRLAs are accordingly disposed of.

Issue urgent certified copy of this order on proper application.

(S.K. Sahoo)
Judge