

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.382 of 2022

Katu @ Hrushikesh Sahu Appellant

Mr. B.K. Ragada, Advocate

-versus-

1. State of Odisha

2. Lipun Patra

.... Respondents

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
10.10.2022**

Order No.

05. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with (Spl.) G.R. Case No.27 of 2017 arising out of Kundheigola P.S. Case No.89 of 2017 pending in the Court of learned Additional Sessions Judge, Deogarh for offences punishable under sections 302/201/307/34 of the Indian Penal Code read with sections 3(2)(v)(va) of the S.C. & S.T. (PoA) Act.

Though as per the order dated 12.09.2022, the

Inspector-in-charge of Kundheigola police station was directed to appear before the learned trial Court and to receive summons in respect of the eye witnesses and to ensure their attendance on the date fixed but today learned counsel for the State has produced the letter of the Inspector-in-charge, Khundeigola police station along with the letter of the In-charge Addl. Sessions Judge, Deogarh dated 19.09.2022 from which it appears that the Presiding Officer who joined on 08.08.2022 is on training as per the order of this Court for a period of eight months and In-charge of the said Court is not empowered to deal with Sessions case, for which summons could not be issued to the witnesses. The letter of the Inspector in-charge of Kundeigola police station along with the letter of the In-charge Addl. Sessions Judge, Deogarh is taken on record.

Considering the submission made by the learned counsel for the appellant that the appellant is in judicial custody since 27.06.2017 and the witnesses examined till date has not implicated the petitioner in the assault of the deceased Bijay Kumar Patra and the fact that the eye witnesses are yet to be examined and the trial has been stalled on account of the reasons assigned in the letter of the In-charge Addl. Sessions Judge, Deogarh and taking into account the period of detention of the appellant in judicial custody, I am inclined to release the appellant on

interim bail for a period of three months from the date of release and the appellant shall surrender before the learned trial Court immediately on expiry of the three months.

Let the appellant be released on interim bail in the aforesaid case on 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 with further conditions as the learned Court may deem just and proper with further conditions that while on interim bail, the appellant shall not try to tamper with the prosecution evidence and shall appear before the learned trial Court on each date on which the date would be fixed for trial during the period of interim bail.

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

The appellant is at liberty to renew the prayer for bail after examination of the eye witnesses in the learned trial Court.

The CRLA is accordingly disposed of.

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

(S.K. Sahoo)
Judge

