

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.387 of 2022

Sk.Sekhabat **Appellant**

Mr.A.R. Panda, Advocate

-versus-

1. State of Odisha
2. Madha Singh **Respondents**

*Mr.Arupananda Das,
Addl. Government Advocate*

CRLA No.314 of 2022

Sk. Amir Hussain **Appellant**

*Mr.Chandan Samantaray,
Advocate*

-versus-

State of Odisha **Respondent**

*Mr.Arupananda Das,
Addl. Government Advocate
Mr. D.J. Sahoo, Advocate for the
respondent No.2*

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

**ORDER
12.09.2022**

Order No.

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

Since both the appeals arise out of one case, the same are taken up and are 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 both the cases.

Both the appeals are under section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with C.T. Case No.1059 of 2021 arising out of Sahadevkhunta P.S. Case No.364 of 2021 pending in the Court of learned Presiding Officer, Special Court (SC & ST), Balasore for offences punishable under sections 302, 120-B/34 of the Indian Penal Code, read with sections 3(1)(r)(s) and 3(2)(va) of the S.C. & S.T. (PoA) Act.

Learned counsel for the appellants submits that the appellants are in judicial custody since 22.12.2021 and they have been charge sheeted under sections 302, 120-B/34 of the Indian Penal Code, read with sections 3(1)(r)(s) and 3(2)(v) of the S.C. & S.T. (PoA) Act. It is submitted that the occurrence in question took place on 18.12.2021 and the informant is one Madha Singh who is also an eye witness to the occurrence and he has specifically stated that four accused persons, namely, Mabood, Sk. Ramjan, Sk. Suban and Sk. Lala caught hold of the deceased Rabi Singh and accused Sk. Yusuf dealt knife blows on the chest of the deceased repeatedly as a result of which the deceased died. Learned counsel for the appellants submitted that the appellants have not been named in the first information report and therefore, the bail applications may be favourably considered.

Learned counsel for the State, submitted that apart from Madha Singh, Sebati Biswal and Suraj Biswal are also the eye witnesses to the occurrence.

Learned counsel for the informant opposed the prayer for bail and submitted that the accused persons have given threat to the informant with dire consequences and he placed the post

mortem report which indicates that the deceased has sustained three rupture wounds and the cause of death was on account of stab injuries to the lungs and heart.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellants and the fact that the eye witness Madha Singh has not implicated the appellants in the assault of the deceased 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 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 and they shall appear before the Inspector-in-charge of Sahadevkhunta police station once in a week on every Sunday in between 10.00 a.m. to 4.00 p.m.

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

Both the CRLAs are accordingly disposed of.

Issue urgent certified copy of this order on proper application.