

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.408 of 2022

1. Dhanpati Nag

2. Sampad Nag

.... Appellants

Mr. B.K. Ragada, Advocate

-versus-

1. State of Odisha

2. Kantilal Luhar

.... Respondents

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
29.08.2022**

Order No.

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

Learned counsel for the State submitted that the notice on the respondent no.2 is sufficient.

None appears on behalf of the respondent no.2.

Heard learned counsel for the appellants 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 Special G.R. Case No.77 of 2021 arising out of Padampur P.S. Case No.199 of 2021 pending in the Court of learned Additional

Sessions Judge, Padampur for offences punishable under sections 302/307/294/506/34 of the Indian Penal Code read with sections 3(1)(r)(s)/3(2)(v)(va) of the S.C. & S.T. (PoA) Act.

The appellants moved an application for bail before the Court of learned Additional Sessions Judge, Padampur which was rejected on 06.05.2022.

Learned counsel for the appellants submitted that the appellants are in judicial custody since 15.09.2021 and they have been charge sheeted under sections 302/307/294/506/34 of the Indian Penal Code read with sections 3(1)(r)(s)/3(2)(v)(va) of the S.C. & S.C. (PoA) Act. It is further submitted that the occurrence in question took place on 12.09.2021 and as per the eye witnesses account of Hiralal Luhar and Kantilal Luhar, there is no overt act alleged against appellant no.2 Sampad Nag and it is stated that he was holding a tangia at the time of occurrence and one of the witness snatched away the said tangia from him and, therefore, the bail application of the appellants may be favourably considered.

Learned counsel for the State has produced the case diary and placed the statements of Hiralal Luhar and Kantilal Luhar and has submitted that specific over act is alleged against appellant no.1 Dhanpati Nag to have assaulted the deceased Kandarpa Luhar by means

of a knife and the post mortem report indicates about stabbing injury caused to the deceased on different vital parts of the body.

Considering the submissions made by the learned counsel for the respective parties, the nature of over act alleged against the appellant no.1 Dhanpati Nag, I am not inclined to release him on bail. Accordingly, the prayer for bail stands rejected.

So far as the nature of accusation against the appellant no.2 Sampad Nag is concerned and his period of detention in judicial custody, I am inclined to release him on bail.

Let the appellant no.2 Sampad Nag be released on 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 he shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

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

So far as appellant no.1 Dhanpati Nag is concerned, he is at liberty to renew his prayer for bail after

examination of the eye witnesses so also the injured in the trial Court.

The CRLA is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM

