

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.417 of 2022

Jagabandhu Kandi* *Appellant

Mr. H.K. Tripathy, Advocate

-versus-

1. State of Odisha

2. Mita Nayak

.... Respondents

Mr. Debasis Biswal

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

25.07.2022

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, the informant in the case, has already been served.

None appears on behalf of the respondent no.2.

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 C.T. Case No.93 of 2022 arising out of Kissannagar P.S. Case No.52 of 2022 pending in the Court of learned Presiding Officer, Special Court under the S.C. & S.T. (PoA) Act, Cuttack for offences punishable under

sections 147/148/294/323/325/307/506/149 of the Indian Penal Code read with sections 3(1)(r)(s)/3(2)(va) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Presiding Officer, Special Court under the S.C. & S.T. (PoA) Act, Cuttack which was rejected on 18.05.2022.

Learned counsel for the appellant submits that the appellant is in judicial custody since 10.05.2022 and similarly situated co-accused, namely, Prasanta Kumar Nayak has been granted bail by this Court in CRLA No.349 of 2022 vide order dated 20.05.2022. It is further submitted that the allegation of assault against the appellant is omnibus in nature and there are no such materials against the appellant so as to attract the ingredients of the offence under section 307 of the Indian Penal Code and the appellant is having no criminal antecedent and therefore, the bail application of the appellant may be favourably considered.

Learned counsel for the State produced the case diary and submitted that there are three injured persons in the case out of which, injured Prasanta Nayak and Karunakar Kandi have sustained simple injuries and injured Jayanta Nayak has sustained grievous injury i.e. fracture of front temporal region and the said injured has already been discharged from the hospital. After going through the evidence of the witnesses, he fairly submitted that there is no specific overt act against the present appellant.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, the progress of investigation, the period of detention of the appellant in judicial custody and release of co-accused on bail, I am inclined to release the appellant on bail.

Let the appellant 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.

The CRLA is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM