

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.437 of 2022

Lakianath Mali @ Laki **Appellant**

Mr. A.Mishra, Advocate

-versus-

1. State of Odisha

2. Pitabas Bhoi

.... **Respondents**

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
19.09.2022**

Order No.

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

Learned counsel for the State submits that the notice on the informant is sufficient.

None appears on behalf of the informant.

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 G.R. Case No.394 of 2022 arising out of Koraput Town P.S. Case No.101 of 2022 pending in the Court of learned Special Judge -cum- Sessions Judge, Koraput at Jeypore for offences punishable under sections

302/201 of the Indian Penal Code read with section 3(2)(v) of the S.C. & S.T. (PoA) Act.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 16.04.2022 and he has been charge sheeted under sections 302/201 and 34 of the Indian Penal Code read with section 3(2)(v) of the S.C. & S.T. (PoA) Act. It is further submitted that the occurrence in question took place on 14.04.2022 and on the next day, the first information report was lodged by Pitabas Bhoi, the father of the deceased Tulu Bhoi and there are no eye witnesses to the occurrence and the case is based on circumstantial evidence and the petitioner is having no criminal antecedent, therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State submitted that the post mortem report indicates that the deceased has sustained some injuries and one stone which is the weapon of offence was seized from inside the bush at the instance of the appellant basing on the statement recorded under section 27 of the Evidence Act.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, absence of any direct evidence and nature of circumstantial evidence on record, 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 the petitioner 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