

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.441 of 2022

Rajesh Bhue

....

Appellant

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha and another

....

Respondents

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

05.07.2022

I.A. No.847 of 2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Appellant.
3. This is an application for condonation of delay in filing the appeal. There is delay of 12 days in filing the appeal.
4. Considering the grounds stated in the Interim Application, delay in filing the appeal is condoned.
5. The I.A. is accordingly disposed of.

(A.K. Mohapatra)
Judge

CRLA No.441 of 2022

03.

5. Heard learned counsel for the Appellant and learned counsel

for the State-Respondent No.1. Perused the Case Diary, F.I.R. and statement of the witness on record.

6. Despite issue notice on the Respondent No.2, none appears on behalf of the Respondent No.2 when the matter is called.

7. This appeal has been filed by the Appellant challenging the order dated 11.02.2022, passed by the learned Additional Sessions Judge-cum-Special Judge, Sonepur in Special Case No.24 of 2021, arising out of Rampur P.S. Case No.37 dated 10.04.2021 for commission of alleged offences under Sections 341/324/354-B/307 of I.P.C. read with Sections 3(1)(r), 3(2)(v) and 3(2)(va) of the S.C./S.T. (POA) Act, rejecting the bail application filed by the Appellant.

8. The prosecution case, in brief, is that the F.I.R. lodged by the Respondent No.2 inter alia alleging that on 09.04.2021 at about 1.00 P.M., while her niece (18 years) was returning from college after completing her classes, on the way, one person tried to misbehave with her and when she objected, the said accused person attacked her resulting her cut injury on her neck and also she received cut injuries on her three fingers and the injured was when shifted to hospital by the local people who were taking bath at the nearby bridge canal and from the local hospital she was shifted to Burla Hospital for treatment. Hence, this case.

9. It is submitted by learned counsel for the Appellant that he is in jail custody since the date of his arrest, i.e. 11.04.2021. It is further submitted that the investigation of the case is over and police has submitted charge-sheet against the Appellant in the case. It is submitted that the victim is a major girl. Since charge-sheet has been submitted in the meantime, there is no chance of the Petitioner to

evade the process of trial.

10. Learned counsel for the State on the other hand submits that the nature of allegation made in the FIR is very serious. Accordingly, a prayer has been made to reject the bail application of the Appellant.

11. Considering the aforesaid facts and circumstances of the case and keeping in view the nature of allegation made and the period of detention of the Appellant, this Court sets aside the order dated 11.02.2022, passed by the learned Additional Sessions Judge-cum-Special Judge, Sonepur in Special Case No.24 of 2021, arising out of Rampur P.S. Case No.37 dated 10.04.2021. It is further directed that let the Appellant be released on bail subject to furnishing a bail bond of Rs.30,000/-(Rupees Thirty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to the terms and conditions as would be fixed by the trial court. Further, the court below shall do well to impose condition that the Appellant shall not influence or threaten or terrorize any of the prosecution witness, violation of which, it is open for the trial court to revoke the bail application of the Appellant and issue NBW and take the Appellant to custody forthwith.

12. With the above direction, the CRLA is accordingly allowed.

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

(A.K. Mohapatra)
Judge