

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.487 of 2022

Jita Bag

.... Appellant

Mr. A.P. Bose, Advocate

-versus-

1. State of Odisha

2. Jatindra Chhuria

.... 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 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. (Special) Case No.55/33 of 2021-22 arising out of Bargarh P.S. Case No.207 of 2021 pending in the Court of learned Special Judge, Bargarh for offences punishable under sections

342/357/328/294/506/302/34 of the Indian Penal Code and sections 3(1)(r)(s)/(2)(v)(va) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Additional Sessions Judge, Bargarh(I/c) which was rejected on 07.06.2022.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 15.10.2021 and he has been charge sheeted under sections 342/357/328/ 294/506/302/34 of the Indian Penal Code and sections 3(1)(r)(s)/(2)(v)(va) of the S.C. & S.T. (PoA) Act and there are no eye witnesses to the occurrence and two of the co-accused persons, who are similarly situated have been released on bail by this Court in CRLA No.84 of 2022 and CRLA No.86 of 2022 and the post mortem report indicates that the deceased had not sustained any external injury and the occurrence took place on 16.09.2021 and he was admitted in the hospital and discharged on 21.09.2021 and again readmitted on 27.09.2021 and he was having fever, reeling of head with pneumonia and he died on 14.10.2021 and in view of such material available on record, the bail application of the appellant may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that the police

has recorded the dying declaration of deceased Diga Mahananda wherein he has stated about his love affair with one Sabita, who was the niece of the appellant. Learned counsel further submitted that the viscera was preserved and it was sent for chemical analysis and the cause of death has been kept reserved in the post mortem report awaiting the result of the chemical analyst. However, he submitted that the post mortem report did not indicate about any injury received by the deceased.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the appellant, the background of the case, the post mortem report finding, the time gap between the date of occurrence and the date of death and the period of detention of the appellant in judicial custody and release of co-accused on bail and, 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

