

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.491 of 2022

Mutei @ Prasanta Kumar Sahoo* *Appellant

Mr. P.K. Mishra, Advocate

-versus-

***1. State of Odisha*
2. Suryakanta Nayak *Respondents***

*Mr. Arupananda Das,
Addl. Government Advocate
Mr. Saroj Kumar Das, Advocate
for respondent no.2*

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

**ORDER
12.09.2022**

Order No.

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

Heard learned counsel for the appellant, learned counsel for respondent no.2 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.29 of 2021 arising out of Kamakhyanagar P.S. Case No.221 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Judge, Special Court, Kamakhyanagar for offences punishable under sections

147/148/323/324/325/307/294/506/149 of the Indian Penal Code read with section 25/27 of the Arms Act and sections 3(1)(r)/ 3(2)(v) and 3(2)(va) of the S.C. & S.T. (PoA) Act and section 9(B) of the Explosive Substances Act.

Learned counsel for the appellant submits that the appellant is in judicial custody since 18.06.2022 and he has been charge sheeted for the offences punishable under sections 147/148/323/324/325/307/294/506/149 of the Indian Penal Code read with sections 25/27 of the Arms Act and sections 3(1)(r)/ 3(2)(v) and 3(2)(va) of the S.C. & S.T. (PoA) Act and section 9(B) of the Explosive Substances Act and the injured persons Rajkishor Nayak and Akash Nayak have not specifically implicated the appellant in the assault and therefore, the bail application of the appellant may be favourably considered.

Learned counsel for the appellant has produced the copy of the bail order of the appellant in another case which is taken on record.

Learned counsel for the State submitted that apart from this case, there are two other cases against the appellant i.e., Kamakhyanagar P.S. Case No.222 of 2021 in which the appellant has been released on bail and another case is Kamakhyanagar P.S. Case No.163 of 2022. He further submitted that one of the injured namely, Akash Nayak was assaulted by the accused

persons including the present appellant and he received grievous injuries and was hospitalized in KIIMS as an indoor patient from 30.06.2022 to 14.07.2022.

Learned counsel for the informant also opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation and the nature of injuries sustained by the injured persons, at the stage, while not inclining to release the appellant on bail, but taking into account the period of detention of the appellant in judicial custody, I direct the learned trial Court to expedite the framing of the charge and steps shall be taken for examination of the two injured persons at the first instance. The appellant is at liberty to renew his prayer for bail after examination of the two injured in the trial Court.

The CRLA is accordingly disposed of.

A copy of the order be communicated to the learned trial Court for compliance.

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

(S.K. Sahoo)
Judge