

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.493 of 2022

Kapur Chan Gouda* *Appellant

Mr. S.N. Mishra 4, Advocate

-versus-

State of Odisha* *Respondent

Mr. A.N. Das

Addl. Government Advocate

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

**ORDER
08.08.2022**

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 informant in the case, has already been served.

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 C.T. Case No.491/21 of 2021-22 arising out of Narla P.S. Case No.256 of 2021 pending in the Court of learned Special Judge -cum- Sessions Judge, Kalahandi at Bhawanipatna for offences punishable under

sections 302/324 of the Indian Penal Code and section 3(2)(v) of the S.C. & S.T. (PoA) Act.

Learned counsel for the appellant-petitioner submits that the petitioner is in judicial custody since 14.12.2021 and he has been charge sheeted under sections 302/324 of the Indian Penal Code and section 3(2)(v) of the S.C. & S.T. (PoA) Act. It is further submitted that the occurrence in question took place on 30.12.2021 and there are no eye witness to the occurrence and the main allegation against the petitioner seems to be based on extra judicial confession before the co-villagers and in that extra judicial confession, the main role has been attributed against Aruna Gouda who is the father-in-law of the petitioner who stated to have assaulted the deceased by means of an axe. It is submitted that in view of the available material on record, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for bail and submitted that the witnesses to the extra judicial confession have categorically stated that both the petitioner and the co-accused disclosed before them to have assaulted by different weapons and the post mortem also indicates that there are number of injuries on the occipital region and the cause of death of the deceased was on account of Internal hemorrhage to the brain. He placed the statement of one Chudamani Jhankar. Learned counsel for the State further submitted that the weapons of offences i.e., lathi and axe were recovered at the instance of the appellant as well as co-accused and the query report also indicates

that the possibility of the injuries found on the deceased by such weapons.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of the accusation against the petitioner, the chance of tempering with the evidence, while not inclining to release the petitioner on bail on merit at this stage, liberty is granted to him to renew his prayer for bail after examination of the witnesses to the extra judicial confession.

The learned trial Court is directed to expedite the trial and after framing of the charge, steps shall be taken to summon the witnesses to the extra judicial confession at the first instance.

Accordingly, the CRLA stands disposed of.

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

(S.K. Sahoo)
Judge