

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.310 of 2021

Manas Ranjan Paikray* *Appellant

Mr. B.K. Ragada, Advocate

-versus-

1. State of Odisha

2. Damadar Sethi @ Dama* *Respondents

Mr. Arupananda Das,
Addl. Government Advocate
Mr. Jajati Keshari Khuntia
(for informant)

CORAM:

JUSTICE S.K. SAHOO

ORDER

05.09.2022

Order No.

17. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the appellant and learned counsel for the State as well as learned counsel for the informant.

This is an appeal under section 14-A(2) of S.C. & S.T. (PoA) Act, 1989 in connection with Special G.R. Case No.14 of 2021 arising out of Jagannathprasad P.S. Case No.284 of 2020 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge, Bhanjanagar for offences punishable under sections 302, 201, 34 of the Indian Penal Code

read with section 3(2)(v) of the S.C. & S.T. (PoA) Act.

Learned counsel for the appellant-petitioner submitted that the petitioner is in judicial custody since 01.01.2021 and he has been charge sheeted under sections 302, 201/34 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 deceased Puja Sethi was found missing since 30.11.2020 and her dead body was found on 02.12.2020 and post mortem was conducted and it was found to be a case of strangulation and R.N. Mallick, who was the S.I. of police of Jagannathprasad police station lodged the first information report on his own information and accordingly, the case under sections 302 and 201 of the Indian Penal Code was registered against unknown persons. Learned counsel further submitted that there are no eye witnesses to the occurrence and the circumstantial evidence appearing i`n the case record are not clinching and therefore, the bail application of the petitioner may be favourably considered.

Learned counsel for the State, on the other hand, submitted that two mobile phones were seized near the dead body and after verification of the call detailed reports when the persons with whom the deceased had last conversation was contacted, it

came to light that before three witnesses, the petitioner made extra judicial confession relating to his involvement in the commission of murder of the deceased.

Learned counsel for the State further submitted that the house owner Bijay Kumar Sahoo where the petitioner along with his wife and the deceased were residing stated that the petitioner used to torture the deceased physically and mentally. Learned counsel for the State further submitted that one vehicle was recovered at the instance of the petitioner under section 27 of the Evidence Act and one Odhani found there which was suspected to be utilized for strangulating the deceased. He further submitted that some material articles were seized from the Car and those were sent for chemical analysis but the report is still awaiting and in view of the materials available on record, the petitioner should not be released on bail.

Learned counsel for the informant also opposed the prayer for bail and submitted that there are materials on record that the deceased was forced to go for prostitution by the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of accusation against the petitioner and the materials against the petitioner, at this stage,

while not inclining to release the petitioner on bail, I direct the learned trial Court to expedite the trial and the petitioner is at liberty to renew his prayer for bail after examination of the material witnesses in the learned trial Court.

The CRLA is accordingly disposed of.

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

(S.K. Sahoo)
Judge

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