

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.543 of 2022

Suria Nahak @ Nayak* *Appellant

Mr. B.K. Nayak-3, Advocate

-versus-

State of Odisha* *Respondent

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

**ORDER
19.09.2022**

Order No.

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

Learned counsel for the State submitted that notice on the informant is sufficient.

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(2) of S.C. & S.T. (PoA) Act, 1989 in connection with T.R. Case No.83 of 2020 arising out of Sarankul P.S. Case No.02 of 2020 pending in the Court of learned Sessions Judge -cum- Special Judge, Nayagarh for offences punishable under sections 341, 323, 294, 302, 307, 506 of the Indian Penal Code read with sections 3(1)(r)(s) and 3(2)(va) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Sessions Judge -cum- Special Judge, Nayagarh, which was rejected on 18.04.2022.

Learned counsel for the appellant submits that the appellant is in judicial custody since 03.05.2020 and he has been charge sheeted under sections 341, 323, 294, 302, 307, 506 of the Indian Penal Code read with sections 3(1)(r)(s) and 3(2)(va) of the S.C. & S.T. (PoA) Act. It is further submitted that the occurrence took place on 25.12.2019 and the deceased Bhanu Nayak is the wife of the informant Bhagaban Nayak and the informant is also injured in the case. It is further submitted that in the meantime the trial has already commenced and two witnesses have been examined, who have not supported the prosecution case and therefore, the bail application of the appellant may be favourably considered.

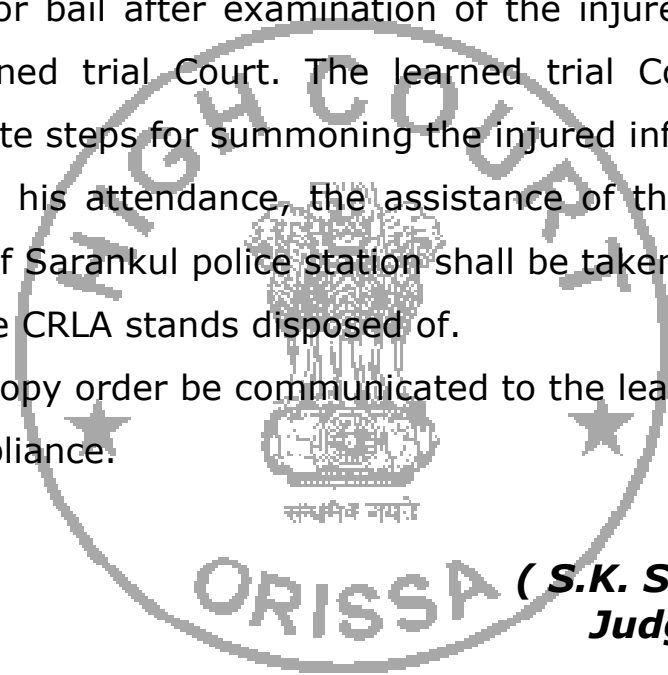
Learned counsel for the State, on the other hand, placed the statement of informant-injured, which indicates how the appellant on account of previous dispute assaulted the deceased by means of a 'katari' on the forehead and head so also to the informant. Learned counsel placed the post mortem report, which indicates that the deceased has sustained three incised wounds on the forehead and cause of death has been opined to be coma on account of such head injuries and the informant has also sustained lacerated and incised wounds. It is further submitted that the weapon of offence, i.e 'katari', which was left at the spot, was also seized and the query report also indicates that the particular weapon was used in assaulting the deceased.

Learned counsel further submitted that some of the witnesses have stated to have seen the appellant decamping from the spot and at this stage, when the material witnesses are yet to be examined, it will not be proper to release the appellant on bail at this stage.

Considering the submissions made by the learned counsel for the respective parties, the nature and gravity of accusation, the statement of the injured and the post mortem examination report, while not inclining to release the appellant on bail, liberty is granted to him to renew his prayer for bail after examination of the injured informant in the learned trial Court. The learned trial Court shall take immediate steps for summoning the injured informant and for ensuring his attendance, the assistance of the Inspector in-charge of Sarankul police station shall be taken.

The CRLA stands disposed of.

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



(S.K. Sahoo)
Judge

PKSahoo