

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8439 of 2021

Sanjay @ Sanjaya Tappo.

....

Petitioner

Mr. Pitambar Jena, Advocate

-versus-

State of Odisha.

....

Opposite Party

Addl. Standing Counsel

ABLAPL No.8832 of 2021

Jaya @Jay Prasad.

....

Petitioner

Mr. Pitambar Jena, Advocate

-versus-

State of Odisha.

....

Opposite Party

Addl. Standing Counsel

**CORAM:
JUSTICE S. PUJAHARI**

**ORDER
13.05.2022**

**Order
No.**

04. **1.** Both these applications filed under Section 438 of Cr.P.C. by the respective petitioners seeking pre-arrest bail in G.R. Case No.542 of 2020 pending in the court of the SDJM, Rayagada, corresponding to Rayagada GRPS Case No.11 of 2020 registered under

Sections 150 and 151 of the Railways Act, 1989, have been heard together.

2. The aforesaid case was initially registered in Chandili Police Station and subsequently on being transferred was taken up by Rayagada GRPS and after investigation, charge-sheet has been submitted under Sections 150 and 151 of the Railways Act, 1989 before the SDJM, Rayagada against the present two accused persons and another accused showing all of them as absconders.

3. The case of the prosecution is that on 25.06.2019 at 4.30 p.m. there was an head on collision between 18005 Samaleswari Express and one OHE Car enroute from Singapore Road to Keutagada Railway Station, which was attributed to gross negligence in train working and series of failures on the part of the respective Station Masters of Keutagada, Singapur Road 'A' cabin and Singapur Road Station etc. and also due to unauthorized opening / tampering of block instrument by the on duty Station Master of Keutagada

Station. As per the investigation at the relevant time, the petitioner in ABLAPL No.8832 of 2021 was the Station Master on duty of Singapur Road 'A' Cabin, the petitioner in ABLAPL No.8439 of 2021 was the Station Master on duty of Keutagada Station, and the co-accused - Bhawani Pradhan was the Station Master on duty of Singapur Road Station. Due to the accident three persons died and others injured.

4. According to the accused-petitioners, the alleged accident could not have been attributed to them, inasmuch as they were not the Station Masters on duty and they have been falsely implicated at the instance of Bhawani Pradhan, the then Station Master on duty at Singapur Road Railway Station, who was responsible for the alleged mishap. According to them, there is no material suggesting their involvement.

5. The learned counsel appearing for the opposite party-State objected to the application on the grounds, inter-alia, that both the petitioners having remained absconding are likely to flee from justice, and the

offences being grave in nature, the prayer for pre-arrest bail is not sustainable. As further reported, both the petitioners have been dismissed from service by the Railway Authority for their gross negligence in duty.

6. Taking note of the nature and gravity of the offences, and in the facts and circumstances as revealed from record, this Court is not inclined to grant pre-arrest bail to the petitioners. Hence, both the ABLAPLs stand dismissed. The petitioners are directed to surrender before the Court below. Needless to mention that, if bail application is filed by them, the Court below shall decide the same on merit without being influenced by any observation made hereinbefore.

(S.Pujahari)
Judge

MRS