

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.589 of 2019

Raju Singh

....

Appellant

Mr. Sudipto Panda, Advocate

-versus-

State of Odisha & another Respondents

Mr. Rajesh Tripathy

Addl. Standing Counsel

*Ms. T. Sinha (Advocate for Res.
No.2)*

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

**ORDER
29.09.2022**

Order No.

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

Heard learned counsel for the appellant and learned counsel for the State.

None appears for the respondent no.2.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with Special G.R. Case No.82 of 2016 arising out of Rajgangpur P.S. Case No.218 of 2016 pending in the Court of learned Sessions Judge -cum- Special Judge, Sundargarh for offences punishable under sections 498-A, 302/34 of the Indian Penal Code read with sections 3(2)(v) of the S.C. & S.T. (PoA) Act.

The appellant moved an application for bail before the Court of learned Sessions Judge, Sundargarh which was rejected on 01.02.2019.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 03.10.2016 and his earlier bail application in BLAPL No. 3865 of 2017 has been rejected as per order dated 29.08.2017 and the learned trial Court was directed to expedite the trial and the appellant was given liberty to renew his prayer for bail after examination of the witnesses to the dying declaration. Learned counsel further submitted as on date, twenty witnesses have been examined in the learned trial Court out of thirty six charge sheet witnesses, but the doctor, who recorded the dying declaration of the deceased has not been examined and therefore, the prayer for bail may be favourably reconsidered.

Learned counsel for the State, on the other hand, submitted that the parents of the deceased so also P.W.17 have adduced clinching evidence against the petitioner.

Considering the submissions made by the learned counsel for the respective parties and the nature of evidence adduced during trial, while not inclining to release the appellant on bail on merit, I am inclined to release him on interim bail for a period of three months from the date of release. The

appellant shall immediately surrender before the learned Court below on expiry of the said three months period.

For the above period, let the appellant be released on interim bail to the satisfaction of the learned trial Court in connection with the aforesaid case on furnishing bail bond of Rs.50,000/-(rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter including the conditions that the appellant shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case stands posted for trial during the interim bail period. Violation of any of the conditions shall entail cancellation of bail.

The CRLA is disposed of accordingly.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge