

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 373 of 2021

Maheswar Nayak@ Juluka

....

Appellant

*Mr. Amulya Ratna Panda,
Advocate*

-Versus -

State Of Odisha and another

Respondents

....

*Mr. S.K. Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.01.2022

Order No.

4.

1. This matter is taken up through virtual mode.
2. None appears for the respondent, despite service of notice. Hence, the matter is taken up on the basis of materials available on record.
3. Heard learned counsel for the appellant.
4. The appellant is in custody since 22.07.2021 in connection with Dharmasala P.S. Case No. 382 of 2020 corresponding to C.T. (Spl.) Case No. 82 of 2020 pending in the court of learned District & Sessions Judge-cum-Special Judge, Jajpur for the alleged commission of offence under Sections 341/294/323/325/307/506 of IPC read with Section 3(1)(r)(s)/3(2)(v-a) of SC & ST (P.A.) Act.
5. It is submitted that the allegations levelled against the appellant are false and fabricated and even assuming the same to be correct, it is to be considered that all the injuries allegedly sustained by the victim are simple in nature.
6. Learned Additional Standing Counsel, on the other hand, has

opposed the prayer for bail by submitting that the appellant has several criminal antecedents and therefore, if released he may commit the same offence.

7. Having regard to the submissions as above, the materials on record, the period of detention already undergone, I am inclined to allow the prayer for bail. Let the appellant be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose in the facts and circumstances of the case including the condition that he shall personally appear before the trial court on each date of posting of the case, failing which it shall be open to the trial court to pass such adverse orders as it may deem fit and proper.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge