

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.615 of 2022

1. Ranjan Kumar Behera
2. Radha Krushna
Panigrahi @ Radhia
3. Sumanta Kumar Dash @
Mantu
4. Purna Chandra Gouda
5. Akula Behera
6. Gourishankar Panigrahi
@ Kalia

.... **Appellants**

Mr. J. Sahoo, Advocate

-versus-

1. State of Odisha
2. Sajani Behera

.... **Respondents**

Mr. Debasis Biswal,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
27.09.2022

Order No.

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

Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned counsel for the State.

This is an appeal under section 14-A of S.C. & S.T. (PoA) Act, 1989 in connection with G.R. Case No.45 of 2022 arising out of Purushottampur P.S.

Case No.356 of 2022 pending in the Court of learned Additional Sessions Judge, Chatrapur for offences punishable under sections 147/148/323/325/326/307/354/354-B/506/341/149 of the Indian Penal Code read with sections 3(1)(r)(s)(w)(i)/3(2)(va) of the S.C. & S.T. (PoA) Act.

The appellants moved an application for bail before the Court of learned Additional Sessions Judge, Chatrapur which was rejected on 27.05.2022.

Learned counsel for the appellants submitted that the appellants Nos.1, 2, 3 and 4 are in judicial custody since 28.06.2022, appellant no.5 is in judicial custody since 29.06.2022 and appellant no.6 is in judicial custody since 02.07.2022 and they have been charge sheeted under sections 147/148/323/325/326/307/354/354-B/506/341/149 of the Indian Penal Code read with sections 3(1)(r)(s)(w)(i)/3(2)(v)(va) of the S.C. & S.T. (PoA) Act. It is further submitted that there are three injured persons in this case, namely, Krushna Chandra Behera, Ananta Behera and Sajani Behera and though as per the medical examination report, they have sustained grievous injuries but they have already been discharged from the hospital and therefore, the bail application of the appellants may be favourably considered.

Learned counsel for the informant opposed the prayer for bail mainly on the ground that three of the

appellants have got criminal antecedents, appellant no.2 has got six cases and appellant no.1 has got one case and appellant no.3 has got three cases.

Learned counsel for the appellants has filed the comprehensive affidavit relating to the criminal antecedents, which is taken on record.

Learned counsel for the State opposed the prayer for bail.

In view of the criminal antecedents of appellants nos.2 and 3, namely, Radha Krushna Panigrahi @ Radhia and Sumanta Kumar Dash @ Mantu respectively, I am not inclined to release them on bail. Accordingly, the prayer for bail stands rejected.

So far as the appellants nos.1, 4, 5 and 6 are concerned, in view of the nature of accusation against them and the period of detention of the appellants nos.1, 4, 5 and 6 in judicial custody, I am inclined to release them on bail.

Let the appellants nos.1, 4, 5 and 6, namely, Ranjan Kumar Behera, Purna Chandra Gouda, Akula Behera and Gourishankar Panigrahi @ Kalia respectively be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the learned Court in seisin over the matter with further conditions as the learned Court may deem just and proper with

further conditions that they shall not indulge in any criminal activities and shall appear before the learned trial Court on each date to which the case would be posted for trial.

Violation of any of the conditions shall entail cancellation of bail.

So far as appellants nos.2 and 3 are concerned, they are at liberty to renew their prayer for bail after examination of the injured persons in the trial Court.

The CRLA is accordingly disposed of.

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



RKM