

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.410 of 2021

Peju @ Ramesh Chandra Sarangi ***Appellants***
and others

Mr. S.S. Satapathy, Advocate
-versus-

State of Odisha and another ***Respondents***

Mr. P.C. Das, A.S.C.
Mr. Gojendranath Das, Advocate for the
Informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
15.03.2022

Order No.

08.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an appeal under Section 14(A) of Schedule Caste and Scheduled Tribe Act.
3. Learned counsel for the appellants seeks permission to make necessary correction in the cause title of the appeal in Court today so far as the age of the Appellant No.3 is concerned.
4. Heard learned counsel for the Appellants, learned counsel for the Informant and learned Additional Standing for the State. Perused the case record, F.I.R. as well as statement of the witnesses.
5. The present appeal is directed against the order dated 06.07.2021 passed by the learned 2nd A.S.J. -cum-Special Judge, Puri in T.R. No.4/79 of 2021 arising out of Delang P.S. Case No.88 of 2021 for alleged commission of offence under Sections 302/34, I.P.C. read with

Sections 3(2)(v) of the S.C. and S.T. (PA) Act.

6. The F.I.R. allegation, in a nutshell, is that one Banita Behera W/o-Late Pandaba Behera of Deypur Sasan, (Harijan Sahi), P.S. Delanga, Dist-Puri has lodged the F.I.R. inter alia stating therein that on 11.04.2021 Sunday at about 12 Noon the accused persons gave Rs.5,000/- to the husband of the informant to distribute amongst the co-villagers to vote of a particular political party in the by-election. As the co-villagers were not agreed to take the money to vote in favour of the alleged political party, her husband returned Rs.4,000/- to the accused persons as he had spent Rs.1,000/- for his own cause. Hence, demanding that balance money of Rs.1,000/- assaulted her husband with Wooden Lathi(Katha Falia). Getting the information, the informant along with her family members reached at the spot and rescued her husband. They could not be able to take her husband consumed some medicine from one local person. The day before lodging of the F.I.R., her husband was in the paternal house of the informant. As the health condition was became serious her husband was carried to Capital Hospital, Bhubaneswar by the nephew and son of the informant. There the doctor declared him as dead.

7. It is submitted by learned counsel for the appellants that the appellants are in custody since 15.04.2021 and in the meantime, investigation has been concluded and charge-sheet has been submitted. Further it is submitted by leaned counsel for the appellants that there was political rivalry between the appellants and the deceased. Further, he also submits that the appellants have been falsely implicated in this case. He also submits that the appellants are residents of the locality and as such, there is no chance of absconding from the hands of justice and further in the event the appellants released on bail, they shall cooperate with the trial and appear before the trial court on each and every date in the trial.

8. Learned counsel for the State-Respondent, on the other hand, submits that the allegations made against the Appellants are serious in nature. He further submits that considering the gravity and seriousness of the allegation, the prayer for bail at the behest of the Appellant may be rejected.

9. Having heard learned counsel for the Appellants as well as learned Additional Standing Counsel for the State-Respondent and considering the nature of accusation, seriousness and the gravity of offence as well as custodial detention of the Appellants, I am inclined to release the Appellants on bail. Accordingly, the impugned order dated 06.07.2021 passed by the 2nd A.S.J. -cum-Special Judge, Puri is hereby set aside.

10. Let the Appellants be released on bail in the aforesaid case subject to furnishing a bail bond of Rs.50,000/-(rupees fifty thousand) each with two local sureties each for the like amount to the satisfaction of the learned court in seisin over the matter with further conditions as may deem just and proper by the learned court in seisin over the matter in the facts and circumstances of the present case.

11. With the aforesaid observation, the Appeal is allowed without any cost.

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

(A.K. Mohapatra)
Judge