

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 671 of 2022

Sapan Dalei

....

Appellant

Mr. J. Sahoo, Adv.

- Versus -

State of Odisha & Anr.

....

Respondents

Mr. P. Tripathy, Addl. Standing Counsel

M. J.K. Panda, Adv. (Res. No.2)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.11.2022

Order No.

6.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the appellant and learned Additional Standing Counsel.
3. The appellant is in custody since 04.07.2020 in connection with Khallikote P.S. Case No.266 of 2020 corresponding to Special G.R. Case No.09 of 2020 pending in the Court of learned Addl. Sessions Judge, Khallikote for the alleged commission of offence under Sections 147/148/323/324/294/326/307/302/149 of IPC read with Section 3(2)(r)(s)/3(2)(v)(va) of SC and ST (POA) Act.
4. It is submitted that the appellant has been falsely implicated in the case as being part of a group which committed the murder of one Pintu Das. In support of such contention, copies of depositions of the witnesses including the eye-witnesses and injured witnesses have been enclosed. A reading of evidence of P.W.-1, P.W.-2 and P.W.-3, who is said to be one of the injured witnesses, it reveals that the involvement of the appellant appears to be doubtful inasmuch

as, according to P.W.-2, he had assaulted the injured Suman Subudhi. The said Suman Subudhi being examined as P.W.-3 does not name the petitioner. That apart, there is no evidence that the appellant had in any manner assaulted the deceased.

5. Learned counsel appearing for the informant has vehemently objected the prayer for bail by submitting that when the entire assault was made by a group of persons and the presence of the appellant is proved, he becomes automatically liable notwithstanding absence of any evidence relating to his actual assault etc.

6. I have considered the rival submissions but then the very presence of the appellant appears to be doubtful if the statement of the injured witness, namely, P.W.-3 is considered. There being reasonable doubts in this regard, 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.

7. CRLA is accordingly disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana