

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.703 of 2022

Bapuni Achary @ Bapi **Appellant**

Mr. M.R. Padhy, Advocate

-versus-

1. State of Odisha

2. Ajambar Dandia

.... **Respondents**

Mrs. Susamarani Sahoo

Addl. Standing Counsel

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

**ORDER
17.10.2022**

Order No.

02.

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

Learned counsel for the State submitted that the notice on the informant is sufficient.

None appears on behalf of the informant.

Heard learned counsel for the appellant 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.99 of 2021 arising out of Rayagada P.S. Case No.79 of 2021 pending in the Court of learned Sessions Judge -cum- Special Judge, Paralakhemundi, Gajapati for offences punishable under section 302 of the Indian Penal Code

and section 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, Gajapati which was rejected on 04.03.2022.

Learned counsel for the appellant submitted that the appellant is in judicial custody since 17.09.2021 and he has been charge sheeted under section 302 of the Indian Penal Code and section 3(2)(v) of the S.C. & S.T. (PoA) Act. It is further submitted that the occurrence in question took place on 17.09.2021 and the weapon of offence has not been seized and there is no clinching material available on record against the appellant and therefore, the bail application of the appellant may be favourably considered.

Learned counsel for the State, on the other hand, produced the case diary and placed the statements of eye witnesses, namely, Kusapani Gamango and Aparna Sabar, who have stated that the appellant dealt knife blow on the left side of the chest of the deceased Ranjit Acharya and the post mortem report also indicates corresponding injury on the left chest.

In view of the available materials on record and the nature and gravity of the accusation against the appellant and taking into the eye witnesses' account, while not inclining to release the appellant on bail, but taking into account the period of detention of the appellant in judicial custody, I direct the learned trial

Court to expedite the framing of charge and steps shall be taken for examination of the eye witnesses at the first instance. The appellant is at liberty to renew his prayer for bail after examination of the eye witnesses in the trial Court.

The CRLA is accordingly disposed of.

A copy of the order be communicated to the learned trial Court for compliance.

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



RKM